

CHAPTER 8 Responses to Comments on the Draft PEIR

8.1 INTRODUCTION

The Draft Program Environmental Impact Report (Draft PEIR) for the Proposed Project was circulated for review and comment to the public, other interested parties, agencies that commented on the IS/NOP, and surrounding jurisdictions for a public review period that concluded on March 27, 2006.

Copies of the Draft PEIR were available for public review during normal business hours at the City of Lake Forest Planning Counter and the City Clerk's Office at City Hall in Lake Forest, California. Additional copies of the Draft PEIR were made available for public review at all of the Lake Forest libraries and the document was posted on the City's website. Copies were also sent to the State Clearinghouse. A list of persons and agencies that received either the Draft PEIR or the Notice of Availability is included below.

8.1.1 Persons/Entities Receiving the Draft PEIR

The following persons or organizations received a copy of the Draft PEIR through first-class mail:

- CCRPA, Patricia Martz, PhD
- City of Mission Viejo
- City of Laguna Woods
- City of Irvine
- City of Laguna Hills
- City of Aliso Viejo
- County of Orange
- Cox Communications
- El Toro Water District
- Irvine Ranch Water District
- Lake Forest Chamber of Commerce
- Orange County Clerk
- Orange County Fire Authority
- Orange County Flood Control Dist.
- Orange County Health Care Agency
- San Diego RWQCB
- Santa Ana RWQCB
- South Coast Air Quality Management District
- Southern California Association of Governments
- Southern California Edison

The Draft PEIR was also distributed to individuals and representatives of neighborhood associations who personally asked for a copy. Numerous comment letters were received during the Draft PEIR review period.

A complete list of all public commenters, the date the comment was received or dated, and the comment letter acronym are listed in Tables 8.1-1 and 8.1-2 below. Table 8.1-1 contains letters received from agencies and organizations. Table 8.1-2 contains letters received from individuals. Tables 8.1-1 and 8.1-2 are sorted by agency name or the last name of the commenting individual. The tables list the acronym assigned to the letter. This acronym consists of the acronym for the agency, or in the case of cities, organizations and individuals consist of the first two letters of the person’s first name and the first two letters of the person’s last name. Table 8.2-13 in Section 8.2.2 provides the same information as Table 8.1-1, but sorted by acronym. Table 8.2-14 in Section 8.2.3, provides the same information as Table 8.1-2, but sorted by acronym.

Table 8.1-1 List of Commenters on the Draft PEIR Government Agencies and Nongovernmental Organizations (by Organization)		
<i>Commenter</i>	<i>Comment Letter</i>	<i>Date</i>
California Cultural Resource Preservation Alliance	CRPA	3/13/2006
Caltrans	CALT	3/23/2006
Caltrans	CALT2	3/29/2006
City of Irvine	COIR	3/27/2006
City of Laguna Woods	COLW	3/16/2006
City of Mission Viejo	MIVI	3/28/2006
County of Orange - Resources & Development Mgmt	COOR	3/27/2006
County of Orange - Resources & Development Mgmt	RDMD	4/13/2006
Department of Toxic Substance Control	DTSC	3/16/2006
Endangered Habitats League	ENHL	3/27/2006
Hawkins, Robert (Golden Rain Foundation)	GRFO	3/27/2006
Irvine Ranch Water District	IRWD	3/27/2006
Irvine Ranch Water District - Loomis, Terrell	TELO	3/27/2006
Orange County Fire Authority	OCFA	3/9/2006
Public Utilities Commission	CPUC	3/22/2006
Regional Water Control Board - Santa Ana	WQCB	3/20/2006
SCAG	SCAG	3/17/2006
US Fish and Wildlife - Fish and Game	CDFG	3/17/2006

Table 8.1-2
List of Commenters on the Draft PEIR
Individuals
(by Last Name)

<i>Commenter</i>	<i>Comment Letter</i>	<i>Date</i>
Abrahams, Howard	HOAB	3/21/2006
Adams, Cindy	RCAD	3/7/2006
Adamski, Tracy	TRAD	3/27/2006
Albers, James	JAAL	3/7/2006
Allen, Megan	MEAL	3/14/2006
Allen, Mike and Renee	MIAL	3/3/2006
Andrews, Beth	BEAN	3/23/2006
Andrews, Jeff	JEAN	3/20/2006
Andrews, Jeff	JEFF	3/25/2006
Angel, Mark	MAAN	3/27/2006
Arden, Heidi	HEAR	3/14/2006
Banner, Heather	HEBA	3/24/2006
Bartlett, Rick and Lori	RLBA	3/21/2006
Bray, Robert	ROBR	3/19/2006
Bridgman, Shari	SHBR	3/3/2006
Bridgman, Shari and Laird	SLBR	3/24/2006
Brown, Debra	DEBR	3/20/2006
Browning, Carol	CABR	3/27/2006
Bukirin-Druce, Ofelia	OFBD	3/24/2006
Byford, Debra	DEBY	3/4/2006
Carroll, Chris and Monique	CMCA	3/15/2006
Copelan, Mike	MICO	3/3/2006
Costello, Colleen	COCO	3/27/2006
Daynes, Glenn and Sheryl	GSDA	3/8/2006
DeBellis, Mark	MADE	3/3/2006
DeBerg, Glenn	GLBE	3/8/2006
Dubiansky, Joanne	STDU	3/18/2006
El Harake, Maureen	MAEH	3/16/2006
England, Shirley	SHEN	3/23/2006
Falcitti, Phillip	PHFA	3/17/2006
Faltys, John	JOFA	3/15/2006
Ferguson, Carol and Rus	CRFE	3/27/2006
FitzGerald, Susan	SUFI	3/3/2006
Frum, Joy	JOFR	3/3/2006
Funderburke, Johnna	JOFU	3/22/2006
Gardemal, Bob	BOGA	3/20/2006
Gogin, Cathy	CAGO	3/27/2006
Gogin, Edward	EDGO	3/27/2006
Goldstein, Ron	ANGO	3/3/2006
Haskins, Kristen	KRHA	3/2/2006
Henniger, Patricia and Randy	PRHE	3/23/2006
Henslick, Michelle	MIHE	3/4/2006
Herkes, Carl	CARL	3/22/2006
Herkes, Carolyn	CAHE	3/22/2006
Herlevic, Matthew	MAHE	2/28/2006
Hoy, Greg	GRHO	3/9/2006
Hull, Lair	LAHU	3/6/2006
Keeby, Erin	ERKE	3/24/2006

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<i>Commenter</i>	<i>Comment Letter</i>	<i>Date</i>
Kim, Ruth	RUKI	3/22/2006
Kimball, Sandie	SAKI	3/21/2006
Knox, Cheryl	CHKN	3/20/2006
Krout, Chandra	CHKR	3/28/2006
Little, John and Cynthia	JCLI	3/26/2006
Loggins, Denis and Denise	DELO	3/3/2006
Macy, Janet	JAMA	3/21/2006
Malloy, Mike	JMMA	3/8/2006
Manser, Stuart	MIMA	3/6/2006
Maxey, David	DLMA	3/26/2006
McGirr, Robert and Claire	RCMO	3/25/2006
Melonsini, Annette and Dante	ADME	3/27/2006
Meyers, Peter J.	PEME	3/27/2006
Michael, Glen	GLMI	3/26/2006
Miller, Darla	DAMI	3/26/2006
Miller, Darla	DAMI2	3/2/2006
Miller, Geoffrey	GEMI	3/26/2006
Minami, Elaine	ELMI	3/25/2006
Moayedghyasy, Soudabeh	SOMO	3/24/2006
Mona, Gail	GAMO	3/2/2006
Moreland, James	JAMO	3/28/2006
Morrel, Ian and Amanda	IAMO	3/20/2006
Moss, Stuart	STMO	3/19/2006
Nakase, Kathy	KANA	3/26/2006
Nakase, Steve	STNA	3/14/2006
Narta, Susan	SUNA	3/22/2006
Negri, Steve	STNE	3/3/2006
Neuville, Tim	TINE	3/3/2006
Neuville, Tim	TINE2	3/16/2006
Paone, Tim	TIPA	3/27/2006
Paulsen, Janine	JAPA	3/15/2006
Paulsen, Janine	JJPA	3/15/2006
Paulsen, Jeffrey	JEPA	3/24/2006
Pinsker, Victor and Sharon	VIPI	3/27/2006
Plaskett, Angela	ANPL	3/24/2006
Polenske, Shawnene	SHPO	3/26/2006
Polenske, Shawnene and Steve	SSPO	3/17/2006
Preston, Stephanie	STPR	3/19/2006
Randel, Tom	TORA	3/21/2006
Reichle, Jill	JIRE	3/27/2006
Reilly, John	JORE	3/20/2006
Richter, Robin	RORI	3/19/2006
Riggert, Eric and Melissa	MERI	3/6/2006
Riggert, Eric and Melissa	MERI2	3/9/2006
Riggert, Eric and Melissa	EMRI	3/25/2006
Rimland, Anthony and Carol	ACRI	3/26/2006
Sagey, Betsy	BESA	3/26/2006
Salaya, Keith	KESA	3/2/2006
Sayers, Evonne	EVSA	3/27/2006
Shih, Carolyn	CASH	3/22/2006
Silva, Dana and David	DASI	3/10/2006

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Individuals
(by Last Name)

<i>Commenter</i>	<i>Comment Letter</i>	<i>Date</i>
Silver, Dan	DASI2	3/13/2006
Simpson, Richard	RISI2	3/27/2006
Simpson, Richard Jr.	RISI	3/26/2006
Spangler, Greg	GRSP	3/27/2006
Stevens, Cathy and Mark	CMST	3/21/2006
Stone, Christina	CHST	3/4/2006
Thiercof, Debbie	DETH	3/4/2006
Tillmans, Bob and Janice	BJTI	3/21/2006
Tillmans, Janice	JATI	3/16/2006
Tillmans, Janice	JATI2	3/16/2006
Tillmans, Janice	JATI3	3/20/2006
Tillmans, Janice	JATI4	3/20/2006
Tillmans, Janice	JATI5	3/21/2006
Tillmans, Robert	ROTI	3/16/2006
Tompkins, Dan	DHTO	3/15/2006
Tran, Katrina	KATR	3/12/2006
Travers, Morse	MOTR	3/13/2006
Tucker, Larry (Baker Ranch Properties)	BAKE	3/24/2006
Vieria-Blake, Dot	DVBL	3/27/2006
Waite, Kathy	KAWA	3/24/2006
Wallace, Elizabeth	ELWA	3/2/2006
Wallace, Elizabeth	ELWA2	3/27/2006
Wallin, John	JOWA	3/7/2006
Wanner, Ed and Mary	EMWA	3/26/2006
Wheeler, Esther	ESWH	3/3/2006
Woolsey, Ray and Jennifer	RJWO	3/21/2006
Ydens, Bob	BOYD	3/16/2006
Zechmeister, Kathy	KAZE	3/11/2006

8.2 COMMENTS AND RESPONSES

This section of the Final PEIR contains all comments received on the Draft PEIR during the public review period, as well as the Lead Agency's responses to these comments. Comments and responses are organized alphabetically by acronym. Section 8.2.1 contains topical responses to comments or questions contained in a number of the letters. Section 8.2.2 contains comments from agencies and organizations and responses to those comments. Section 8.2.3 contains comments from individuals and responses to those comments. These responses provide explanation or amplification of information contained in the Draft PEIR, pursuant to Sections 15088(a) and 15088(b) of the CEQA Guidelines, which states that comments that raise significant environmental issues are to be provided with responses. Reasoned, factual responses have been provided to all comments received, with a particular emphasis on significant environmental issues: detailed responses have been provided where a comment raises a specific issue; however, a general response has been provided where the comment is relatively general.

8.2.1 Topical Responses

Topical responses are provided where there were several public comments that address a particular issue. Specifically, topical responses are provided to address the following general comments:

- Topical Response 1 - Environmental Setting/Baseline Conditions
- Topical Response 2 - Project-Level vs. Program-Level PEIR
- Topical Response 3 – Application of Project Design Features and Standard Conditions to Mitigate Potential Impacts
- Topical Response 4 - NCCP/HCP
- Topical Response 5 - Existing Impaired Hydrological Conditions
- Topical Response 6 - Runoff to Borrego Canyon Wash, Serrano Creek, and Aliso Creek
- Topical Response 7 – Portola Hills Issues
- Topical Response 8 – Schools
- Topical Response 9 – Traffic
- Topical Response 10 – Landslides
- Topical Response 11 – Alternatives
- Topical Response 12 – Notice

■ Topical Response 1—Environmental Setting/Baseline Conditions

The existing environmental setting (baseline conditions) described in the Draft PEIR are intended to be broad enough to adequately describe the existing environmental conditions in the geographic vicinity of the project area in order to determine the significance of the project’s potential direct and indirect impacts. The baseline conditions documented in the Draft PEIR are not intended nor required to include an expanded geographic area beyond the general project vicinity, unless doing so would be necessary to assess the *level of significance* of the project’s potential impacts. The California Environmental Quality Act (CEQA) guidelines require that an existing environmental setting presented in an EIR be detailed enough to effectively provide a basis for evaluating whether or not a proposed action would have a significant effect upon the environment. CEQA Guidelines Section 15125 stipulates the following:

- (a) An EIR must include a description of the physical environmental conditions in the vicinity of the project, as they exist...from both a local and regional perspective. This environmental setting will normally constitute the baseline physical conditions by which a lead agency determines whether an impact is significant. The description of the environmental setting shall be no longer than is necessary to provide an understanding of the significant effects of the proposed project and its alternatives. (14 Cal. Code of Regulations Section 15125.)

The common interpretation of this section of the CEQA Guidelines is that the environmental setting should describe the baseline conditions against which the significance of any physical change in the environment that may occur as a result of the project will be measured. Some commenters have requested that the Draft PEIR include analysis of additional environmental baseline conditions, specifically hydrological conditions, above and beyond the existing setting already described in the Draft PEIR. However, analysis of additional environmental baseline conditions (beyond those already described in the Draft PEIR) is not warranted unless it can be demonstrated that a more extensive evaluation is necessary to determine the level of significance of the project’s potential impacts. There is

no evidence to suggest that analysis of additional environmental baseline conditions would change the level of significance of the project's impacts already disclosed in the Draft PEIR. Therefore, the baseline conditions described in the Draft PEIR meet the requirements specified by the CEQA Guidelines for an appropriate environmental setting, and further analysis of additional baseline conditions is not warranted.

■ Topical Response 2—Project-Level vs. Program-Level EIR

A number of comments were received alleging a lack of specificity in the Draft Environmental Impact Report prepared for the Opportunities Study Area (Draft PEIR) with respect to the analysis of “project-specific” impact or the identification of “project-specific” mitigation measures. CEQA describes several types of EIRs that may be prepared by public agencies depending on the nature of the project to be evaluated. Due to the multiple related discretionary actions that cover multiple properties in the same geographic area and the expectation that many of the properties will require additional environmental review when specific development proposals for the individual properties are brought forward, the City of Lake Forest prepared a program EIR for the Opportunities Study Area. A program EIR may be prepared when a large project consists of a series of actions that are related: (1) geographically, (2) as logical parts in the chain of contemplated actions, (3) in connection with issuance of plans to govern the conduct of a continuing program, or (4) as individual activities carried out under the same authorizing authority and having generally similar environmental effects which can be mitigated in similar ways. (*Al Larson Boat Shop Inc. v. Board of Harbor Commissioners* (1993) 18 Cal.App.4th 729,740-741 [quoting State CEQA Guidelines § 15168(a)].)

A program EIR serves as the first-tier for a multi-phased environmental review, allowing the City to consider broad environmental issues for a series of actions at an early stage of the planning process. This allows the City to focus on “the big picture” at the outset of the project. Subsequently, when applications for site-specific entitlements are brought forward, the City may review those applications against the prior program EIR and determine what level of subsequent CEQA documentation would be appropriate. In those situations, the City may choose to prepare a focused supplemental or subsequent EIR, or negative declarations for those later discretionary actions, and incorporate the general discussions by reference. (*Endangered Habitats League, Inc. v. State Water Resources Control Board* (1997) 63 Cal.App.4th 227, 236; *Chaparral Greens v. City of Chula Vista* (1996) 50 Cal.App.4th 1134, 1143.)

A program EIR covering general programmatic environmental issues need not be as comprehensive or detailed as the site-specific CEQA documents that may follow, and in fact, by definition may be quite general. The degree of specificity required in a program EIR is determined by two factors: (1) the degree of specificity involved in the underlying project, and (2) what is “reasonably feasible” to discuss. (*Al Larson, supra*, 18 Cal.App.4th at pp. 742, 746, 749, *Rio Vista Farm Bureau Ctr. v. County of Solano* (1992) 5 Cal.App.4th 351, 373-374; State CEQA Guidelines, §§ 15146, 15151.) “CEQA requires an EIR to reflect a good faith effort at full disclosure; it does not mandate perfection, nor does it require an analysis to be exhaustive.” (*Defend the Bay v. City of Irvine* (2004) 119 Cal.App.4th 1261, 1265 [quoting, *Dry Creek Citizens v. County of Tulare* (1999) 70 Cal.App.4th 20,26].)

CEQA Guidelines Section 15146 discusses the degree of specificity required in an EIR, stating as follows:

The degree of specificity required in an EIR will correspond to the degree of specificity involved in the underlying activity which is described in the EIR.

(a) An EIR on a construction project will necessarily be more detailed in the specific effects of the project than will be an EIR on the adoption of a local general plan or comprehensive zoning ordinance because the effects of the construction can be predicted with greater accuracy.

(b) An EIR on a project such as the adoption or amendment of a comprehensive zoning ordinance or a local general plan should focus on the secondary effects that can be expected to follow from the adoption or amendment, but the EIR need not be as detailed as an EIR on the specific construction projects that might follow.

As detailed more fully in the Office of Planning and Research's (OPRs) discussion of this Guideline section:

As with the range of alternatives, the level of analysis provided in an EIR is subject to the rule of reason. The level of specificity for a given EIR depends upon the type of project. The analysis must be specific enough to permit informed decision making and public participation. The need for thorough discussion and analysis is not to be construed unreasonably, however, to serve as an easy way of defeating projects. What is required is the production of information sufficient to understand the environmental impacts of the proposed project and to permit a reasonable choice of alternatives so far as environmental aspects are concerned. See *Laurel Heights Improvement Association v. Regents of the University of California* (1988) 47 Cal. 3d 376. In *Antioch v. Pittsburg* (1986) 187 Cal. App. 3d 1325, the court held that EIR requirements must be sufficiently flexible to encompass vastly differing projects with varying levels of specificity.

In general, given the program-level of information available about the project, the analysis in the EIR is generally of a program-level of detail. To the degree that more project-level information is available, it is reflected in the level of analysis in the PEIR. In this way, the PEIR has complied with CEQA Guidelines Section 15168(c)(5) guidance regarding level of specificity which states: "A program EIR will be most helpful in dealing with subsequent activities if it deals with the effects of the program as specifically and comprehensively as possible."

Where appropriate, the City's Draft PEIR provides program-level mitigation measures which will be implemented by subsequent development projects undertaken in the OSA. These mitigation measures will be "carried forward" to address potential environmental impacts of site-specific development and if there are any additional project-specific impacts resulting from the proposed individual developments, additional mitigation measures will be identified in the subsequent CEQA analysis.

The City has included all of the presently known and available information that was reasonably feasible for the current specificity of the project, in the Draft PEIR. A detailed analysis of site specific impacts will be undertaken in later CEQA documents at such time applications for site-specific developments are proposed. (*Al Larson*, 18 Cal.App.4th at p. 734; *Rio Vista*, 5 Cal.App.4th at p. 374.) Given that an EIR need not speculate about future environmental consequences when future development is unspecified, and that CEQA does not require "crystal ball inquiry," the City's Draft PEIR fully complies with CEQA. (*Atherton v. Board of Supervisors* (1983) 146 Cal.App.3d 346, 351.)

■ Topical Response 3—Application of Project Design Features and Standard Conditions to Mitigate Potential Impacts

INTRODUCTION

A number of commenters identified a need for additional mitigation. However, these comments did not take into consideration the effect of standard conditions of approval and existing regulatory requirements which for many issue areas eliminate the need for mitigation measures. In many instances, project design features, compliance with existing code requirements, and/or standard conditions of approval assumed in the analysis are sufficient to ensure that impacts are less than significant and thus no mitigation measures are included in the EIR for issue areas where existing requirements provide sufficient protections against impacts. This Topical Response provides additional information on these standard conditions and requirements.

Project design features are specific program elements that are incorporated into the Proposed Project to prevent, or reduce the significance of, potential environmental impacts. Project design features are incorporated into the project or program and are not considered mitigation measures under CEQA. However, project design features are listed in the mitigation monitoring and reporting program to assure that they will be implemented as part of the Proposed Project.

Standard conditions and requirements are local, state and federal regulations and laws required of all development projects. Typical requirements include compliance with the Uniform Building Code, local Municipal Code, and South Coast Air Quality Management District Rules. Standard conditions of approval are requirements that are placed on discretionary planning approvals, as appropriate. Standard conditions and requirements serve to reduce or eliminate environmental impacts and will be listed in the mitigation monitoring and reporting program that will be implemented as part of the Proposed Project. A list of the project design features and standard conditions that are applied in the Draft PEIR follows.

3.1 AESTHETICS

Project Design Features: None

Standard Conditions & Legal Requirements:

- Compliance with Municipal Code and applicable Planned Community text documents to ensure that height, bulk, architecture and/or signage will not be in vivid contrast to the surrounding environment
- Landscaping, Light and Glare, Mechanical Equipment, and Model Home Complexes Standard Conditions of Approval

City Landscaping Standard Conditions of Approval:

LS1 Prior to the issuance of a building permit, the applicant shall submit to the Director of Development Services for review and approval a precise landscape and irrigation construction plan prepared by a licensed landscape architect for the project consistent with the conceptual landscape plans approved by the Planning Commission on _____, 200_.

- LS2 Prior to the issuance of a certificate of use and occupancy for the project, the applicant shall have installed landscaping and irrigation in accordance with the approved plan. The applicant shall submit a landscape installation verification letter to the Director of Development Services from a licensed landscape architect indicating that the landscaping for the project was installed in accordance with the approved plan.
- LS3 If the City determines that site landscaping has fallen into disrepair, the City shall have the right to enter the property and make the appropriate repairs, and the property owner shall be responsible for any related City expenses. This shall be covered by an appropriate agreement between the City and applicant. The form of the agreement to be prepared by the applicant's attorney shall be subject to joint review and approval by the Director of Development Services and City Attorney. The cost of the review shall be paid by the applicant at the City's hourly billing rate. Maintenance of any landscaping between the curb and the right-of-way line of any street abutting the parcel shall be the responsibility of the owner of that parcel, unless a recognized association or district has assumed responsibility for the maintenance.

City Light and Glare Standard Conditions of Approval:

- LG1 Prior to issuance of a grading permit, the applicant shall submit a photometric survey for the site. In addition, the applicant shall provide a note on the lighting plans that states no direct lighting spillage shall be permitted to shine on any other property. The proposed lighting standards shall be hooded or shielded to focus the light downward. A Certificate of Occupancy shall not be issued until the lighting has been reviewed and approved by the Director of Development Services.

City Mechanical Equipment Standard Conditions of Approval:

- ME1 Prior to the issuance of a building permit, the applicant shall submit plans that insure mechanical equipment placed on the roof such as, but not limited to, air conditioning, heating, ventilating ducts and exhaust fans is screened from view to the adjacent streets and properties through the use of approved roof screens, recessed roof wells and/or use of the building parapets.
- ME2 Prior to issuance of a certificate of occupancy, the applicant shall insure that mechanical equipment placed on any roof such as, but not limited to, air conditioning, heating, ventilating ducts and exhaust fans shall be screened from view through the use of approved roof screens, recessed roof wells and/or use of the building parapets.

City Model Home Complex Standard Conditions of Approval:

- MHC1 Within 60 days after the termination of the use of the subject property as a model home/sales complex, the parking lot and temporary fencing shall be removed or revised as necessary to comply with the current applicable zoning regulations. Within six months following the removal of the parking lot improvement and trailer, the lots upon which the parking lot and trailer were situated shall be either planted with grass or improved with dwellings; it is the purpose of this requirement to avoid a situation where the neighbors look at unimproved vacant lots in this tract for an extended period of time.

3.2 AGRICULTURAL RESOURCES

Project Design Features: None

Standard Conditions & Legal Requirements: None

3.3 AIR QUALITY

Project Design Features: None

Standard Conditions & Legal Requirements:

- Project level review to determine construction and operation emissions
- Compliance with SCAQMD Rules 402 and 403 (see MM3.3-7)
- Compliance with Title 24, Part 6, California's Energy Efficiency Standards for Residential and Nonresidential Buildings.

3.4 BIOLOGY

Project Design Features: Preservation of habitat areas on Sites 1 and 2.

Standard Conditions & Legal Requirements:

- Compliance with NCCP/HCP including construction minimization measures listed on page 3.4-34 of the Draft PEIR
- Compliance with applicable resource agency permitting requirements, including but not limited to: California Department of Fish and Game, U.S. Fish and Wildlife Service, Army Corps of Engineers.
- Biology standard conditions of approval

City Biology Standard Conditions of Approval:

BR1 The applicant shall comply with the requirements of state and federal agencies with regards to construction within jurisdictional areas. This includes the applicant obtaining a Section 1602 Streambed Alteration Agreement from the California Department of Fish and Game. A mitigation program will be subject to the review and approval of CDFG during the process to obtain a Section 1602 Streambed Alteration Agreement. Prior to the issuance of a grading permit, the applicant shall comply with the requirements of state and federal agencies with regards to construction within the jurisdictional area(s).

BR2 The applicant shall comply with the requirements of state and federal agencies with regards to construction within the jurisdictional areas. This includes the applicant obtaining a Section 401 Water Quality Certification and a Section 404 (Clean Water Act) permit from the Regional Water Quality Control Board (RWQCB) and the U.S. Army Corps of Engineers respectively. A mitigation program will be subject to the review and approval of the Corps and the RWQCB during the processes to obtain a Section 404 permit and 401 Water Quality Certification.

3.5 CULTURAL

Project Design Features: None

Standard Conditions & Legal Requirements:

- Archaeo/Paleo Standard Conditions of Approval

3.6 GEOLOGY, SOILS AND MINERAL RESOURCES

Project Design Features: None

Standard Conditions & Legal Requirements:

- Compliance with California Building Code Seismic Zone 4 Standards
- Site specific review by California Certified Engineering Geologist
- Implementation of National Pollution Discharge Elimination System (NPDES) Best Management Practices (BMPs)
- Preparation and implementation of Storm Water Pollution Prevention Plan (SWPPP)
- Grading Standard Conditions of Approval

City Grading Standard Conditions of Approval:

- G1 Prior to the issuance of precise grading permits, the applicant shall prepare and submit a final (precise) grading plan to the Building Division of the Development Services Department showing building footprints, new and revised pads and elevations of finished grades, drainage routes, retaining walls, erosion control, slope easements, structural best management practices conforming to the approved water quality management plan, and other pertinent information.
- G2 Prior to the issuance of precise grading permits, the applicant shall in a manner meeting the approval of the City Engineer:
- Design provisions for surface drainage; and
 - Design all necessary storm drain facilities extending to a satisfactory point of disposal for the proper control and disposal of storm runoff; and
 - Dedicate the associated easements to the City of Lake Forest, if determined necessary by the City Engineer.
 - Prior to the issuance of any certificates of use and occupancy said improvements shall be constructed in a manner meeting the approval of the City Engineer.
- G3 Prior to approval of the final design plans and issuance of a grading permit, the applicant shall conduct a site-specific geotechnical investigation for the entire site and prepare a report that fully assesses the geologic and soil conditions of the site. As part of the report preparation, soil sampling and any geotechnical testing will be completed at each location where structures are to be erected. The report shall provide grading and structural design recommendations for avoiding liquefaction, subsidence or collapse for each of the proposed structures. The recommendations shall be implemented by the Project Applicant.

- G4 During project grading and construction activities, the following measures shall be implemented by the applicant as monitored by the Director of Development Services and Director of Public Works/City Engineer.
- A. Normal watering procedures or other dust palliative measures shall be followed during earth moving and construction operations to minimize fugitive dust emissions in compliance with SCAQMD Rule 403. Soil binders shall be spread on site, unpaved roads, and parking area in compliance with Rule 403.
 - B. Where practical, heavy duty construction equipment shall be kept on-site when not in operation to minimize exhaust emissions associated with vehicles entering and exiting the project site.
 - C. Restrict traffic speeds on all unpaved road to 15 miles per hour or less, and provide a flag person to properly guide traffic and ensure safety at the construction site.
 - D. Suspend all grading operations when wind speeds exceed 25 miles per hour and during second stage smog alerts.
 - E. Comply with SCAQMD Rules 402 and 403 which state that no dust impacts off-site sufficient to be called a nuisance are created and restrict visible emissions from construction and grading, respectively.
 - F. Use low emission mobile construction equipment (i.e., tractors, scrapers, dozers, etc.) where practical. Shut off engines when not in use.
 - G. Maintain construction equipment in peak operating condition to reduce operating emissions.
 - Use low sulfur fuel for equipment to the extent feasible.
 - Use electric equipment whenever practicable.
 - Moisten soil to grading to 12% soil moisture.
 - Water exposed surfaces at least twice daily under calm conditions and as often as needed on windy days when winds are less than 25 miles per hour or during dry weather in order to maintain a surface crust and prevent the release of visible emissions from the construction site.
 - Treat any area that will be exposed for extended periods with a soil conditioner to stabilize soil or temporarily plant with vegetation.
 - Wash mud-covered tires and under-carriages of any trucks leaving construction sites.
 - Provide for street sweeping, as needed, on adjacent roadways to remove dirt dropped by construction vehicles or mud, which would otherwise be carried off by trucks departing project sites.
 - Provide for permanent sealing of all graded areas, as applicable, at the earliest practicable time after soil disturbance.
- G5 This project necessitates the construction of public and/or private infrastructure improvements. Prior to the issuance of preliminary or precise grading permits, the applicant shall construct, or enter into an agreement and post security, in a form and amount acceptable to the City Engineer, guaranteeing the construction of public and/or private improvements, in conformance with applicable City standards and the City's Capital Improvement Policy, including but not limited to:

- a. Street improvements including, but not limited to: pavement, curb and gutter, medians, sidewalks, drive approaches, street lighting, signing, striping as follows:
- b. Traffic signal systems, interconnect traffic signal preemption devices and other traffic control and management devices
- c. Storm drain facilities
- d. Subdrain facilities
- e. Landscaping and computerized irrigation control system (for all public streets, parks and public areas).
- f. Sewer, reclaimed and/or domestic water systems, as required by the appropriate sewer and water districts as well as the Orange County Fire Authority when appropriate.
- g. Riding, hiking and bicycle trails adjacent to or through the project site.
- h. Undergrounding of existing overhead and proposed utility distribution lines.
- i. Transit-related improvements depicted on the approved tentative map

Plans for improvements, including proposed and relocated utility lines, shall be approved by the Public Works Director/City Engineer based on the City's ordinances, standards, and policies, including, but not limited to, those design and construction standards adopted by the City or otherwise reasonably determined by the Director to be applicable to the project. Plans for signing, striping, and other traffic control devices shall be approved by the City Traffic Engineer. Water improvement plans shall be approved by the Fire Marshal, the local water district, and the Public Works Director/City Engineer. The water distribution system and appurtenances shall conform to the applicable laws and adopted regulations enforced by the Orange County Health Department. Public sewer and reclaimed water improvement plans shall be approved by the local sewerage agency and the Public Works Director/City Engineer. The requirement for the reclaimed water line for irrigation is contingent upon an existing line within reasonable proximity to the site. Construction of improvements shall be under the inspection of the Public Works Department.

- G6 Prior to issuance of any permit, any easement that lies within or crosses rights-of-way proposed to be deeded or dedicated to the City, shall be subordinated by the applicant to the City prior to City acceptance of the rights-of-way, unless otherwise exempted by the Director of Public Works/City Engineer based on the City's ordinances, standards, and policies, including, but not limited, to those design and construction standards adopted by the City or otherwise reasonably determined by the Director to be applicable to the project.
- G7 Prior to issuance of a grading permit, a recordable instrument providing for reciprocal ingress and egress access easements between and among the parcels with access via private drives shall be submitted by the applicant to the City of Lake Forest for review and approval of the City Attorney, Director of Development Services and the Director of Public Works/City Engineer. The instrument shall be approved if it is appropriate recordable form, and adequately provides for reciprocal access in a manner consistent with the City's ordinances, standards, and policies, including, but not limited, to those public design and construction standards adopted by the City or otherwise reasonably determined by the Directors to be applicable to the project.

3.7 HAZARDS AND HAZARDOUS MATERIALS

Project Design Features: None

Standard Conditions & Legal Requirements:

- Compliance with applicable federal, state, and local laws regulating generation, handling, transportation and disposal of hazardous materials and waste
- Hazardous Materials Standard Condition of Approval

City Hazardous Materials Standard Condition of Approval:

HZM1 Prior to issuance of a grading permit, the applicant shall provide a plan showing the placement of underground storage tanks for the approval of the Development Services Department.

3.8 HYDROLOGY/WATER QUALITY

Project Design Features:

The Proposed Project includes the adoption of a General Plan Amendment and Zone Change. The subsequent development projects will include Specific Project Design Features for hydrology and water quality will be developed with project level entitlements.

Standard Conditions & Legal Requirements:

- Compliance with NPDES, DAMP, Groundwater Management Plan
- Compliance with Lake Forest Municipal Code and County of Orange Codes regulating drainage and water quality
- Compliance, where necessary with FEMA regulations for Special Flood Hazard Areas
- Drainage/Flood/NPDES Standard Conditions of Approval

City Drainage/Flood/NPDES Standard Conditions of Approval:

DFN1 Prior to the issuance of a grading permit, a complete hydrology and hydraulic study (include off-site areas affecting the development) shall be prepared by a qualified engineer and shall be submitted by the applicant to the Director of Public Works/City Engineer for review and approval. The report shall include detailed drainage studies indicating how the grading, in conjunction with the drainage conveyance systems including applicable swales, channels, street flows, catch basins, storm drains, and flood water retarding, will allow building pads to be safe from inundation from rainfall runoff which may be expected from all storms up to and including the theoretical 100-year flood.

DFN2 Prior to the issuance of a grading permit, the applicant shall demonstrate to the Building Official that coverage has been obtained under California's General Permit for Storm Water Discharge Associated with Industrial Activity by providing a copy of the Notice of Intent (NOI) submitted to the State Water Resources Control Board and a copy of the subsequent notification of the issuance of a Waste Discharge Identification (WDID) Number to the Building Official. Prior to the issuance of a grading permit, the applicant shall submit to the Building Official for review and approval a Stormwater Pollution Prevention Plan (SWPPP). A copy of the approved SWPPP shall be kept at the project site and available for review upon request.

- DFN3 Prior to the issuance of a grading permit, the applicant shall prepare a Water Quality Management Plan (WQMP) specifically identifying the Best Management Practices (BMP's) that will be used on site to control predictable pollutant runoff. The plan shall identify the types of structural and non-structural measures to be used. The plan shall comply with the Orange County Drainage Area Management Plan (DAMP). Particular attention should be addressed to the appendix section "Best Management Practices for New Development." The WQMP shall clearly show the locations of structural BMP's, and assignment of long term maintenance responsibilities (which shall also be included in the Maintenance Agreement). The plan shall be prepared to the general form and content shown in the City of Lake Forest's WQMP Template and shall be submitted to the Director of Public Works/City Engineer for review and approval. The DPW/CE shall approve the plan if the Director reasonably determines that the plan is substantially similar in all material respects to the City of Lake Forest's WQMP Template.
- DFN4 Prior to the issuance of a certificate of occupancy, the applicant shall demonstrate that all structural Best Management Practices (BMP) described in the project's Water Quality Management Plan (WQMP) have been constructed and installed. In addition, the applicant is prepared to implement all non-structural BMP's described in the project's WQMP. Two (2) copies of the WQMP shall be available on-site. Prior to the issuance of a certificate of occupancy, all equipment shall be in place and in good working order as indicated in the WQMP.
- DFN5 This project includes land within a Special Flood Hazard Area (SFHA), subject to inundation according to the Flood Insurance Rate Map (FIRM) that has not been addressed by an underlying subdivision map. Prior to the issuance of a precise grading permit, the applicant shall furnish to the City Engineer documentation required by the Federal Emergency Management Agency (FEMA) for revision to the FIRM and Flood Insurance Study (FIS), including additional data as required by FEMA. The applicant shall pay all preliminary and subsequent fees as required by FEMA.

3.9 LAND USE/PLANNING

Project Design Features: None

Standard Conditions & Legal Requirements:

- Compliance with Lake Forest Municipal Code, including Zoning, Planned Community Text(s) as appropriate, Lake Forest General Plan policies, and the Uniform Building Code.

3.10 NOISE

Project Design Features: None

Standard Conditions & Legal Requirements:

- Compliance with Chapter 11.16, Noise Control, of the Lake Forest Municipal Code

Noise Standard Conditions of Approval:

- N1 Prior to the issuance of a grading permit, the applicant shall produce written evidence, or other evidence deemed reasonably acceptable by the Director of Development Services,

that all construction vehicles or equipment, fixed or mobile, operated within 1,000 feet of any residential dwelling unit shall be equipped with properly operating and maintained mufflers.

- N2 Grading and construction, construction activities shall be prohibited between the hours of 7:00 p.m. and 7:00 a.m. Monday through Friday; 6:00 p.m. and 8:00 a.m. Saturday; and at any time on Sunday or a federal holiday.
- N3 Prior to the issuance of building permits for each structure or tenant improvement other than a parking structure, the applicant shall submit a final acoustical report prepared to the satisfaction of the Director of Development Services. The report shall show that the development will be sound attenuated against present and projected noise levels, including roadway and railroad, to meet City interior and exterior noise standards. In order to demonstrate that all mitigation measures have been incorporated into the project, the report shall be accompanied by a list identifying the sheet(s) of the building plans that include the approved mitigation measures.

3.11 POPULATION AND HOUSING

Project Design Features: None

- Approval of an Affordable Housing Implementation Plan (AHIP) is required by the Development Agreement.

3.12 PUBLIC SERVICES

Project Design Features: None

Standard Conditions & Legal Requirements:

- Compliance with OCFA Very High Fire Severity Hazard Zone/Special Fire Protection Area guidelines
- Payment of statutory fees for public services (or enter into mitigation agreement for schools as a project design feature). See Mitigation Measure 3.12-3.
- Secured Fire Protection Agreement
- Fire Protection Standard Conditions of Approval

City Fire Protection Standard Conditions of Approval:

- F1 Prior to issuance of a grading permit, the applicant shall obtain approval of the Fire Chief for all fire protection access roads within 150 feet of all portions of the exterior of every structure on the site. The site plan shall indicate existing and any proposed fire hydrants. The site plan shall indicate the locations of the existing and/or proposed fire lane markings. Please contact the OCFA at (714) 573-6100 or visit the OCFA website to obtain a copy of the “Guidelines for Emergency Access.”
- F2 Prior to the issuance of a grading permit, the applicant shall submit construction details for any access gate to the Fire Chief for review and approval. The Fire Chief will approve the construction details if the Chief reasonably determines that the construction details are in compliance with the Uniform Fire Code and such other Federal, State, and Local laws, regulations, ordinances, standards, and policies as are applicable.
- F3 Prior to the issuance of a building permit, the applicant shall submit evidence of the on-site fire hydrant system to the Fire Chief and indicate whether it is public or private. If

the system is private, it shall be reviewed and approved by the Fire Chief prior to building permit issuance, and the applicant shall make provisions for the repair and maintenance of the system in a manner meeting the approval of the Fire Chief.

- F4 Prior to the issuance of a building permit for combustible construction, the applicant shall submit a letter on company letterhead stating that water for fire-fighting purposes and all weather fire protection access roads shall be in place and operational as required by the Uniform Fire Code before any combustible materials are placed on the site.
- F5 Prior to the issuance of a building permit, the applicant shall provide evidence of adequate fire flow. The “Orange County Fire Authority Water Availability for Fire Protection” form shall be signed by the applicable water district and submitted to the Fire Chief for approval. If sufficient water to meet fire flow requirements is not available an automatic fire extinguishing system may be required in each structure affected.
- F6 Prior to the issuance of a building permit, plans for the automatic fire sprinkler system shall be submitted to the Fire Chief for review and approval. This system shall be operational prior to the issuance of a certificate of use and occupancy.
- F7 Prior to the issuance of a certificate of use and occupancy, the fire alarm system shall be operational.
- F8 Prior to the issuance of a building permit, the applicant shall contact the Orange County Fire Authority Hazardous Materials Disclosure Office at (714) 744-0463 to complete and submit a “Hazardous Materials Business Information and Chemical Inventory Packet.”
- F9 Prior to the issuance of a certificate of use and occupancy, all fire hydrants shall have a “Blue Reflective Pavement Marker” indicating its location on the street or drive per the Orange County Fire Authority Standard and are subject to review and approval by the Fire Chief. On private property these markers are to be maintained in good condition by the property owner.

3.13 RECREATION

Project Design Features:

As described in Section 2.5.5 of the Draft PEIR, the City’s Subdivision Ordinance would require 47 acres of neighborhood parks and 32 acres of community parks (for the Proposed Project). The Proposed Project includes up to a 45-acre sports park and Community/Civic Center complex and over 50 acres of neighborhood parks.

Standard Conditions & Legal Requirements:

Compliance with the City’s Subdivision Ordinance (Title 7 of the Lake Forest Municipal Code) is required of all new residential development; the Proposed Project includes additional public facilities as part of the project’s design features included in the Development Agreement.

3.14 TRANSPORTATION/TRAFFIC

Project Design Features:

As described in Section 2.5.4 of the Draft PEIR, the project includes adoption of the Lake Forest Traffic Mitigation Program (LFTM). The LFTM Program is a set of citywide transportation improvements designed to maintain adequate levels of service on the City’s arterial street system.

- Participation in LFTM is required as part of the Development Agreement

Standard Conditions & Legal Requirements:

- Fee Program and Parking Standard Conditions of Approval

City Fee Programs Standard Condition of Approval:

FFP1 Prior to the issuance of a building permit, the applicant shall pay fees to the City of Lake Forest as prescribed in the Major Thoroughfare and Bridge Fee Program, including but not limited to the following:

- Foothill Circulation Phasing Plan – Zone 2, 3, 4 , 5 or 8
- Foothill/Eastern Transportation Corridor – Zone A or Zone B
- Santiago Canyon Road
- Drainage Fees (\$945.00/Acre)
- El Toro Road

Parking Standard Condition of Approval:

PRK3 Overnight outside storage of vehicles shall be prohibited.

PRK4 No overnight sleeping or camping shall be permitted on the property. Signs stating such shall be posted within the parking lot.

3.15 UTILITIES/SERVICE SYSTEMS

Project Design Features: None

Standard Conditions & Legal Requirements:

- Compliance with Source Reduction and Recycling Element for solid waste reduction
- Compliance with Title 24 California’s Energy Efficiency Standards for Residential and Nonresidential Buildings.

■ Topical Response 4—NCCP/HCP

As discussed within Impact 3.4-1 and Impact 3.4-2 of the Draft PEIR, the project is within the Central and Coastal Orange County Natural Community Conservation Plan and Habitat Conservation Plan (NCCP/HCP). The purpose of the NCCP/HCP is to create a multi-species multi-habitat reserve system and implement a long-term management program that will protect primarily coastal sage scrub and the species that utilize this habitat. At the same time that it protects this habitat and the associated species, the NCCP/HCP is also intended to allow for economic use of the lands. As discussed in Section 3.4.7 (Planning and Regulatory Framework), the Central and Coastal Orange County NCCP/HCP provides measures to reduce impacts to Coastal Sage Scrub Habitat (CSS), the plan’s “Covered Species,” and other species that occupy this habitat through implementation of avoidance measures and payment of mitigation fees on a per acre of Coastal Sage Scrub removed basis. The mitigation fee for CSS occupied by coastal California gnatcatchers is \$65,000 per acre. This money would be paid to the Nature Reserve of Orange County prior to the removal of any CSS. In addition, as the project is within the NCCP/HCP area, there is a list of construction minimization measures that must also be followed to be in compliance within the NCCP/HCP. The construction minimization measures have been designed in consultation with state and federal resource agencies to reduce potential construction impacts to species within the CSS habitat to less than significant levels.

Per the Implementation Agreement with state and federal resources agencies, payment of the NCCP/HCP fee and implementation of the construction avoidance measures would reduce potential

impacts (both under CEQA and under state and federal *Endangered Species Acts*) to NCCP/HCP-covered sensitive species to less-than-significant levels by ensuring compliance with approved conservation plans, preserving their habitat, and avoiding construction impacts for species that are known to occur on site. Where impacts to NCCP/HCP-covered species and habitat occur, compliance with the requirements of the NCCP/HCP reduces the impact to less than significant and no further mitigation is required.

■ Topical Response 5—Existing Impaired Hydrological Conditions

According to the studies cited on pages 3.8-39 to 3.8-41 of the Draft PEIR, as well as the Serrano Creek Collaborative Use Plan prepared by the City, flow within both the Borrego Canyon Wash and Serrano Creek have been altered by prior development within the watershed. Development of impervious surfaces within the upper watersheds and the absence of stormwater detention contribute to greater storm flow within these tributaries. Furthermore, the flood events have removed significant amounts of riparian vegetation along these corridors, resulting in greater bank instability. Higher flow rates, combined with reduced riparian vegetation (reduced bank stability) are contributing to considerable bank erosion; at some locations along the Serrano Creek, banks cut by these higher flow rates are estimated to exceed 30 vertical feet.

Although existing conditions may be contributing to impairment of Serrano Creek and the Borrego Canyon Wash, the CEQA analysis for determining the potential environmental impacts of this project requires that the post-project conditions be compared to existing conditions and not to non-impaired conditions. Consequently, even if existing conditions are currently impaired or impacted, if the Proposed Project does not exacerbate these conditions, then the impact is considered either no-impact or less-than-significant. The CEQA environmental analysis is not required to include an assessment of ways to fix existing impaired conditions or implementation of mitigation measures to alleviate existing problems. Furthermore, it is not within the scope of this document to detail site specific stream geomorphology, sedimentation and erosion rates, adequacy of conveyance capacity, and specific causes contributing to existing impairment (see Topical Response 1 also addresses the degree to which existing/baseline conditions are assessed and Topical Response 2 addresses the level of detail required for a Programmatic EIR compared to a Project-level EIR).

A number of letters included comments regarding Serrano Creek. The Draft PEIR addressed potential program level impacts to the Creek. More specific hydrology studies will be required of all applicants at the project level. While additional analysis of Serrano Creek is not necessary at the program level, it should be noted that long and short-term solutions for Serrano Creek and Borrego Canyon Wash are currently underway and are independent of the Opportunities Study project.

Under a recent agreement between the County of Orange, City of Lake Forest, IRWD and the Autumnwood Homeowners Association, an interim slope stabilization project was completed in Serrano Creek within the Autumnwood Homeowners Association. As part of an on-going effort to restore Serrano Creek, a Memorandum of Understanding (MOU) was developed and executed by the County of Orange, Orange County Flood Control District, City of Lake Forest and IRWD. With the County as lead, several grant opportunities are being explored to fix Serrano Creek.

The County also committed to developing restoration efforts and long-term solutions for Serrano Creek and Borrego Canyon Wash. The first step is to identify grant sources and potentially develop cost share

agreements between the Army Corps of Engineers, the County, and local cost-share partners. The anticipated program includes the following: feasibility study, restoration project design, permits, bidding, construction, maintenance, and monitoring.

■ Topical Response 6—Runoff to Borrego Canyon Wash, Serrano Creek, and Aliso Creek

Prior development within the Borrego Canyon Wash and Serrano Creek subwatershed has contributed to erosion and sediment transport within the San Diego Creek watershed. As noted in the Draft PEIR (p. 3.8-30) and by the RWQCB in its comment letter(s), the San Diego Creek watershed is currently listed as impaired by sediment with existing TMDLs and further contributions to erosion and sediment transport could potentially be significant.

Program Level Analysis

As discussed in Topical Response 2, the OSA DEIR is a program-level EIR. A comparison of pre- and post-project runoff coefficients is used in the Draft PEIR to provide an indication of potential effects of the Proposed Project on stormwater runoff and consequently, potential increases in bank erosion and bedload transport. More runoff could result in more bank erosion and sediment transport. At the program-level, no project-induced increases in flows are anticipated because on a number of the sites the existing landscape consists of fairly steep, poorly-vegetated slopes with low infiltration soils. Consequently, estimates of existing runoff coefficients are fairly high. In the case of Aliso Creek, the potentially affected lands draining towards Aliso Creek already likely experience a high amount of runoff. Although development of an undeveloped or vacant property will often increase the amount of imperviousness (and therefore, increase the potential for runoff), it also requires grade leveling, landscaping, and stormwater quality BMPs. Implementation of these features will reduce the amount of stormwater runoff in order to comply with requirements established by the Regional Water Quality Control Board, and in some cases, increase the amount of infiltration, which offset the potential increase in runoff because of more impervious surfaces. (Additional text has been added to the Impact 3.8-1 discussion in the Draft PEIR in order to clarify this situation).

As noted in the Draft PEIR analysis, there would be no net increase in erosion and sediment transport to San Diego Creek or Newport Bay with implementation of the Proposed Project because Proposed Project runoff flow rates would not increase and a Water Quality Management Plan would be required prior to approval of a Parcel Map or Tentative Tract Map (MM 3.8-1) in compliance with the existing municipal NPDES permit.

In response to questions received regarding runoff into Borrego Canyon Wash and Serrano Creek, Table 3.8-1 and Table 3.8-2 from the Draft PEIR have been revised to separate out information for each subwatershed (Borrego Canyon Wash, Serrano Creek, and Aliso Creek) and split out potential impacts to the individual drainages, Borrego Canyon Wash and Serrano Creek within the San Diego Creek watershed. Site 1 information was also modified based on an initial hydrology study for the project-level proposed development on this site, which is now available. The more specific calculations do not change the significance of post-project and pre-project runoff differences for Site 1, compared to the Draft PEIR analysis. This new information was incorporated into the final document in order to provide for consistency between the PEIR and the project-level analyses. Both the direction of flow (which watershed would receive runoff water) and actual runoff rates change based on the new information, but the impacts and their magnitude do not change.

It should be noted that because of number rounding, the existing conditions runoff coefficients in Table 3.8-1 may seem equal to the Proposed Project runoff coefficients. However, very slight differences are apparent in the percent changes noted in Table 3.8-2. These differences are not significant, although post-development conditions will have lower runoff coefficients (by about -3 percent). As shown in the Table, runoff will be less with the Proposed Project, than under existing conditions.

Revised Table 3.8-1 Assigned Runoff Coefficients for the Proposed Project				
Site	Runoff Coefficient			Watershed*
	Existing	General Plan	Proposed Project	
1	0.24	0.60	0.23	Borrego 82% Serrano 18%
2	0.48	0.56	0.32	Aliso 80% Serrano 20%
3	0.48	0.66	0.38	Serrano 100%
4	0.48	0.70	0.60	Aliso 80% Serrano 20%
5	0.44	0.50	0.30	Aliso 50% Serrano 50%
6	0.44	0.25	0.30	Serrano 100%
7	0.46	0.60	0.50	Serrano 100%
Watercourse Composite				
Borrego	0.24	0.60	0.23	
Serrano	0.41	0.59	0.33	
Watershed Composite				
San Diego Creek	0.31	0.59	0.28	
Aliso Creek	0.48	0.58	0.37	
Total **	0.36	0.59	0.30	

SOURCE: EIP Associates 2006 and Lake Forest Department of Public Works

* Where the site may drain to more than one watercourse, the estimated percent of area draining to each watercourse is identified.

** The total is a blended coefficient.

Revised Table 3.8-2 Magnitude of Runoff Coefficient Change for the Proposed Project		
Site	Change in Proposed Plan Runoff Coefficient	
	Existing Conditions (%)	General Plan Conditions (%)
1	-4.2	-61.7
2	-33.3	-42.9
3	-20.8	-42.4
4	25.0	-14.3
5	-31.8	-40.0
6	-31.8	20.0
7	8.7	-16.7
Watercourse Composite		
Borrego	-4.2	-61.7
Serrano	-18.2	-43.3
Watershed Composite		
San Diego Creek	-12.2	-53.7
Aliso Creek	-23.6	-37.1
Total	-15.6	-48.7

SOURCE: EIP Associates 2006 and Lake Forest Department of Public Works

A comparison of the approximate runoff from Opportunities Study properties in Table 3.8-2 indicates that implementation of the Proposed Project would likely lower the overall runoff rate within the San Diego Creek watershed. As explained earlier, this is because the existing landscapes are steep, with low-infiltration soils, and poor vegetative cover. Development of these parcels, however, would require grade modifications (less steep slopes) and landscaping (more infiltration and good vegetative cover), which would lower the overall runoff rate. Lower runoff, because of the Proposed Project, means that there would be no net increase in bank erosion or bedload sediment transport compared to existing conditions.

Program- Level Mitigation

The Draft PEIR includes several mitigation strategies for reducing erosion and the project would be subject to standard conditions and Best Management Practices (BMPs). Topical Response 3 details standard conditions that will apply to the project. Additionally, implementation of a new mitigation measure MM 3.8-5 added in response to comments to clarify the requirement that there would be no net increase in peak rate or amount of runoff entering any of these drainages. Mitigation measures MM 3.8-1, M 3.8-2, and M 3.8-5 describe specific strategies for reducing runoff that would not adversely affect current erosion or water quality conditions. For example, for compliance with the existing municipal NPDES permit and Drainage Area Master Plan (DAMP), a Water Quality Management Plan (WQMP) would be developed to assure that post-construction BMPs would be implemented to prevent further degradation of water quality (MM 3.8-1). (A copy of the City's WQMP Template is available at: <http://www.city-lakeforest.com/pdf/forms-2005/Lake%20Forest%20WQMP%20Template%20121205.doc>) Please refer to additional discussion of BMPs that can be used to reduce site runoff, referenced on page 3.8-33-34 of the Draft PEIR. As stated on page 3.8-37 of the Draft PEIR, implementation of mitigation measures M 3.8-1 through M 3.8-4 would reduce potential Proposed Project impacts on water quality to less-than-significant levels. The addition of mitigation measure M 3.8-5 would assure that post-project stormwater runoff rate would not exceed existing conditions, which would prevent an increase in

potential streambed and bank erosion. Therefore, the Draft PEIR analysis and mitigation of potential erosion and pollutant adverse impacts is adequate.

Project Level Review and Mitigation

In addition to these mitigation measures, as specific development projects are brought forward, site specific environmental review will be undertaken and hydraulic analysis will be done as part of project-level environmental review. Mitigation Measure 3.8-5 requires that prior to issuance of a grading permit for any development within the Opportunities Study area, the applicant must conduct a detailed hydrology and hydraulics study. As part of project-level environmental review, site-specific drainage and water quality features that will be incorporated into the proposed development will be analyzed and the impacts of project-specific runoff and hydrology will be analyzed to determine if additional mitigation measures are required to mitigate potential flooding and water quality impacts to less than significant.

Because this is Programmatic EIR, site specific details are not available. Site specific details associated with the various site included in the Proposed Project drainage and potential BMPs are, therefore, not included in this analysis. Please refer to Topical Response 2, which provides further details on Project vs. Programmatic EIRs.

Consistency With San Diego Creek Flood Control Master Plan (SDCFCMP)

With the mitigation measures specified for the project, which include preparation of project-level hydrology and hydraulic studies for the project sites and the specification of project-level mitigation measures to prevent post-construction stormflows from exceeding pre-construction volumes and rates, (see for example revised Mitigation Measure 3.8-5 and Topical Response 6) the project will be consistent with the San Diego Creek Flood Control Master Plan (SDCFCMP).

■ Topical Response 7 – Portola Hills Issues

DENSITY AND COMPATIBILITY:

What Could Be Built Today On The Portola Center Property

The 250 acres of vacant land that remains in the Portola Hills Planned Community was approved by the County of Orange as part of the original Master Plan for Commercial, Business Park and Open Space uses. Approximately 544,500 square feet of commercial use, 2.3 million square feet of Business Park and 44 acres of open space are permitted.

To provide a basis for comparison, the permitted commercial component alone (544,500 square feet) would be nearly equal in size to the entire Foothill Ranch Mervyns/Target shopping center and the Wal Mart/Babies R Us center combined. The exact calculation is provided below. Although these combined centers are 49,844 square feet larger than what could be built in Portola Hills, this example provides a good visual of the type and magnitude of commercial development that is permitted under the current commercial zoning in Portola Hills.

<u>Business</u>	<u>Square footage</u>
Mervyn’s	77,500
Target	121,387
Michael’s	25,689
Wendy’s	3,178

Chili's	5,765
Del Taco	2,388
Small shops	51,663
World Savings	3,350
Kuta Grill	6,287
Denny's	4,995
Wal-Mart	163,126
Babies R Us & Sport Chalet	103,904
In N Out	2,912
Kindercare	10,000
Good Year	6,097
Union Bank	6,103
TOTAL	594,344

The allowable Business Park development on the Portola Center (Site 2) property is 2.3 million square feet. By way of comparison the business park developments that are contained within the area bounded by the 241 Toll Road, Portola Parkway, Glenn Ranch Road and the Edison transmission lines is approximately 2 million square feet.

The Difference Between A “Business Park” And An “Industrial” Land Use Designation

The Portola Hills Business Park designation allows for a wide variety of uses. According to the County documents, the intent of this land use is to permit the location of “compatible light manufacturing; business, professional and administrative offices; general manufacturing; service industries; contractor and construction industries; and in certain areas, subject to stringent performance standards, indoor or outdoor manufacture or storage of heavy equipment or materials.”

The Oakley project, mentioned in many of the letters, was built in the Foothill Ranch Planned Community, on land designated as Foothill Ranch Industrial. The planning documents approved by the County of Orange describe the intent of this Foothill Ranch Industrial District with virtually the same language as the Portola Hills Business Park description. The only difference between these zoning designations is that surface mining and batch plants are permitted in the Foothill Ranch Industrial zone. Therefore, the property in Portola Hills that is designated Business Park could be developed with uses similar to what is found in the Foothill Ranch Industrial zones with the exception of the mining and batch plants.

Here is a list of the uses that are permitted today in the Portola Hills Business Park area:

- Manufacturing plants and facilities
- Assembly plants and facilities
- Research laboratories and facilities
- Product development facilities
- Testing laboratories and facilities
- Service industries
- Distribution, storage and warehousing
- Construction industries
- Boat/RV storage
- Mini warehousing

Motion picture/recording studios
Administrative, professional and business offices
Service commercial (restaurants, hotels)
Rental and sales of autos, RV's, trucks, trailers and boats
Auto repair, body repair and paint shops
Tire recapping facilities
Rental/sale for garden and home equipment
Rental/sale for agricultural, industrial and construction equipment
Wholesale/retail lumber yards, plumbing supplies and home improvement
Wholesale/retail nurseries
Commercial recreation
Historical, religious and charitable structures
Public utilities and facilities including electrical distribution facilities and offices, wastewater treatment plants, sewage and solid waste treatment plants, disposal or resource recovery facilities, water reclamation facilities, production, distribution, storage or treatment facilities for electricity, water, sewage, telephone or telegraph

Land Uses Proposed For Portola Center Under the 2006 Proposed Project

The proposed plan includes predominately residential, commercial and open space uses. A total of 1,132 units are proposed for Portola Center (Site 2), which includes up to 525 single family homes and up to 607 multi family units. The multi family units can either be for sale or rent. The plan also proposes 178,720 square feet of commercial development and 10 acres of neighborhood parks for Portola Center (Site 2).

How The Proposed Project's Residential Development for Portola Center Compares With The Existing Development In Portola Hills

The City has prepared an exhibit and chart that depicts the existing and proposed residential densities in Portola Hills and Portola Center. As can be seen, the overall density of Portola Hills is 6.25 units per acre. The proposed Portola Center is 7.3 units per acre overall under the 2006 Proposed Project.

Commenters have expressed concerns regarding the proposed density of the Portola Center (Site 2) development. When comparing densities among planning areas or projects, it is important to ensure that the same type of measurement is used for both properties. Tables 8.2-1 and 8.2-2 compare the existing density of Portola Hills with the 2006 Proposed Project density of the Portola Center community. This is a simple gross density calculation which takes the total acreage for each project area excluding public facilities such as parks, schools, dedicated open space and arterial roadways. The range of densities for the various existing communities in Portola Hills is 3.1 du/ac to 18.4 du/ac, with a total average density of 6.25 du/ac.

**PORTOLA HILLS
DENSITY COMPARISON**

**Table 8.2-1
Existing Portola Hills Density
2,181 homes on 348 acres = 6.25 units per acre**

	1	2	3	4	5	6	7	8	9	10	11	12	13	14	TOTAL
Acres	12.1	42.5	24.5	32.8	39.7	18.8	23.2	29.3	18.2	33.8	16.6	12.2	26.2	14.9	348.8
Units	90	192	76	114	142	166	99	113	93	212	159	225	300	198	2181
Units per Acre	7.4	4.5	3.1	3.5	3.6	8.9	4.3	3.9	5.1	6.3	9.6	18.4	11.4	13.3	6.25

As shown in **Table 8.2-2**, the range of densities for proposed Portola Center would be 3.5 to 24.2 du/ac, with a total average density of 7.66 du/ac under the 2006 Proposed Project.

**Table 8.2-2
Proposed Portola South Density
2006 Proposed Project
1,132 homes on 148 acres = 7.6 units per acre**

	A	B	C	D	E	F	G	H	TOTAL
Acres	22.62	57.21	9.6	3.1	9.4	8.4	15.6	21.9	147.81
Units	93	199	200	40	226	141	113	120	1132
Units per Acre	4.1	3.5	20.7*	13.1**	24.2	16.7	7.3	5.5	7.66

* Planning Area C is proposed to be Mixed Use Area that also includes 150,120 sf of commercial space

** Planning Area D is proposed to be a Mixed Use Area that also includes 28,600 sf of commercial space

The density calculation includes internal slopes and residential streets in both the existing and proposed development areas. The Figure 8.2-1 shows a dark line around the limits of development and includes only the existing and proposed developed areas in the density calculation.

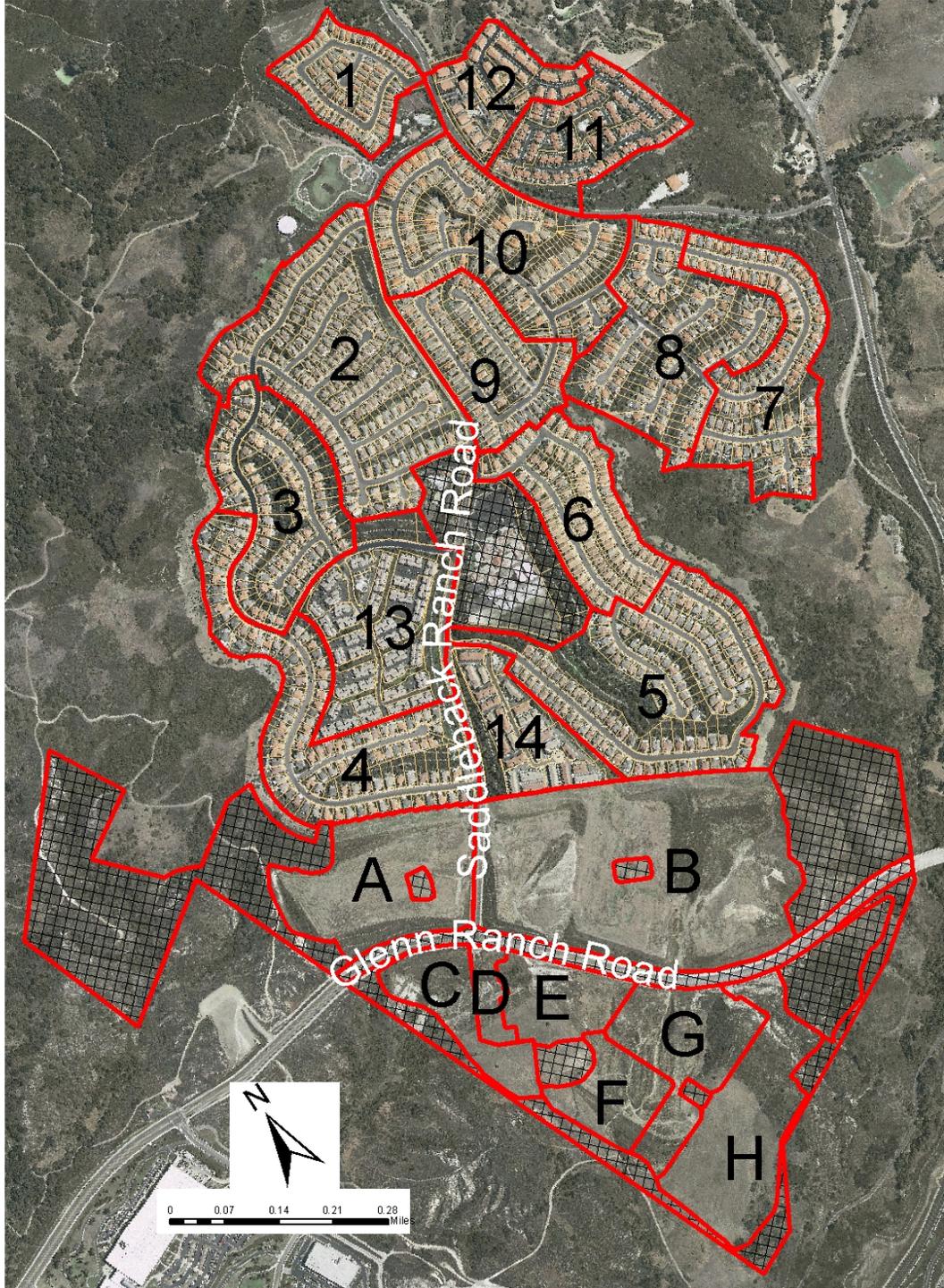


Figure 8.2-1 – 2006 Proposed Project: 1,132 Dwelling Unit Plan

A concern related to density is compatibility. While overall density can give the reader a baseline comparison of the relative intensity of development, residential product types are an important component of compatibility. While the General Plan Amendment and Zone Change would not mandate specific types of housing units, such as rental, ownership, attached or detached, a mix of product types has been included in the Portola Center concept plan. These types include: apartments, detached single family homes on a variety of lot sizes, and attached single family homes (condominiums). While the existing Portola Hills development does not include any rental apartments, the densities of the apartments in the proposed plan would not differ significantly from the existing for-sale condominium developments.

The Opportunities Study General Plan Amendment would allow for a variety of residential densities throughout the project. The proposed zoning would include unit caps that would dictate the maximum development on each of the project sites.

In addition, the density of the Proposed Project should be considered in conjunction with the potential environmental impacts associated with that density in comparison to the existing entitlements. For example, the trips associated with the Proposed Project are 60% less than those estimated for the existing entitlements at Site 2, as detailed under the heading “Traffic in the Vicinity of Portola Hills,” below.

Land Uses Proposed For Portola Center Under Alternative 7

In response to community input, a seventh project alternative was developed in 2007 which comprised elements of several project alternatives analyzed in the 2006 Draft PEIR. The analysis of this alternative can be found in Chapter 7.

As described more fully in Chapter 7, Alternative 7 includes predominately residential, commercial and open space uses. A total of 930 units are proposed for Portola Center (Site 2), which includes up to 481 single family homes and up to 449 multi family units. The multi family units can either be for sale or rent. Alternative 7 also proposes 40,000 square feet of commercial development and 8 acres of neighborhood parks for Portola Center (Site 2).

How Alternative 7's Residential Development for Portola Center Compares With The Existing Development In Portola Hills

The City has prepared an exhibit and chart that depicts the existing and proposed residential densities in Portola Hills and Portola Center under Alternative 7. As can be seen, the overall density of Portola Hills is 6.25 units per acre. Under Alternative 7, the proposed Portola Center is 6.46 units per acre overall.

Commenters have expressed concerns regarding the proposed density of the Portola Center (Site 2) development. When comparing densities among planning areas or projects, it is important to ensure that the same type of measurement is used for both properties. Tables 8.2-3 and 8.2-4 compare the existing density of Portola Hills with the proposed density of the Portola Center community under Alternative 7. This is a simple gross density calculation which takes the total acreage for each project area excluding public facilities such as parks, schools, dedicated open space and arterial roadways. The range of densities for the various existing communities in Portola Hills is 3.1 du/ac to 18.4 du/ac, with a total average density of 6.25 du/ac.

**PORTOLA HILLS
DENSITY COMPARISON**

**Table 8.2-3
Existing Portola Hills Density
2,181 homes on 348 acres = 6.25 units per acre**

	1	2	3	4	5	6	7	8	9	10	11	12	13	14	TOTAL
Acres	12.1	42.5	24.5	32.8	39.7	18.8	23.2	29.3	18.2	33.8	16.6	12.2	26.2	14.9	348.8
Units	90	192	76	114	142	166	99	113	93	212	159	225	300	198	2181
Units per Acre	7.4	4.5	3.1	3.5	3.6	8.9	4.3	3.9	5.1	6.3	9.6	18.4	11.4	13.3	6.25

As shown in Table 8.2-4, under Alternative 7 the range of densities for proposed Portola Center would be 3.8 to 15.3 du/ac, with a total average density of 6.46 du/ac.

**Table 8.2-4
Proposed Portola Center Density
Alternative 7
930 homes on 144 acres = 6.46 units per acre**

	A	B	C	D	E	F	TOTAL
Acres	22	51	5*	7**	24	40	144
Units	84	199	0	82	367	198	930
Units per Acre	3.8	3.9	0*	11.7	15.3	4.9	6.46

* Not included in density calculation.

**Planning Area D is proposed for Mixed Use to include 40,000 sf of commercial space

The density calculation includes internal slopes and residential streets in both the existing and proposed development areas. The Figure 8.2-2 shows a dark line around the limits of development and includes only the existing and proposed developed areas in the density calculation.

A concern related to density is compatibility. While overall density can give the reader a baseline comparison of the relative intensity of development, residential product types are an important component of compatibility. While the General Plan Amendment and Zone Change would not mandate specific types of housing units, such as rental, ownership, attached or detached, a mix of product types has been included in the Portola Center concept plan. These types include: apartments, detached single family homes on a variety of lot sizes, and attached single family homes (condominiums). While the existing Portola Hills development does not include any rental apartments, the densities of the apartments in Alternative 7 would not differ significantly from the existing for-sale condominium developments.

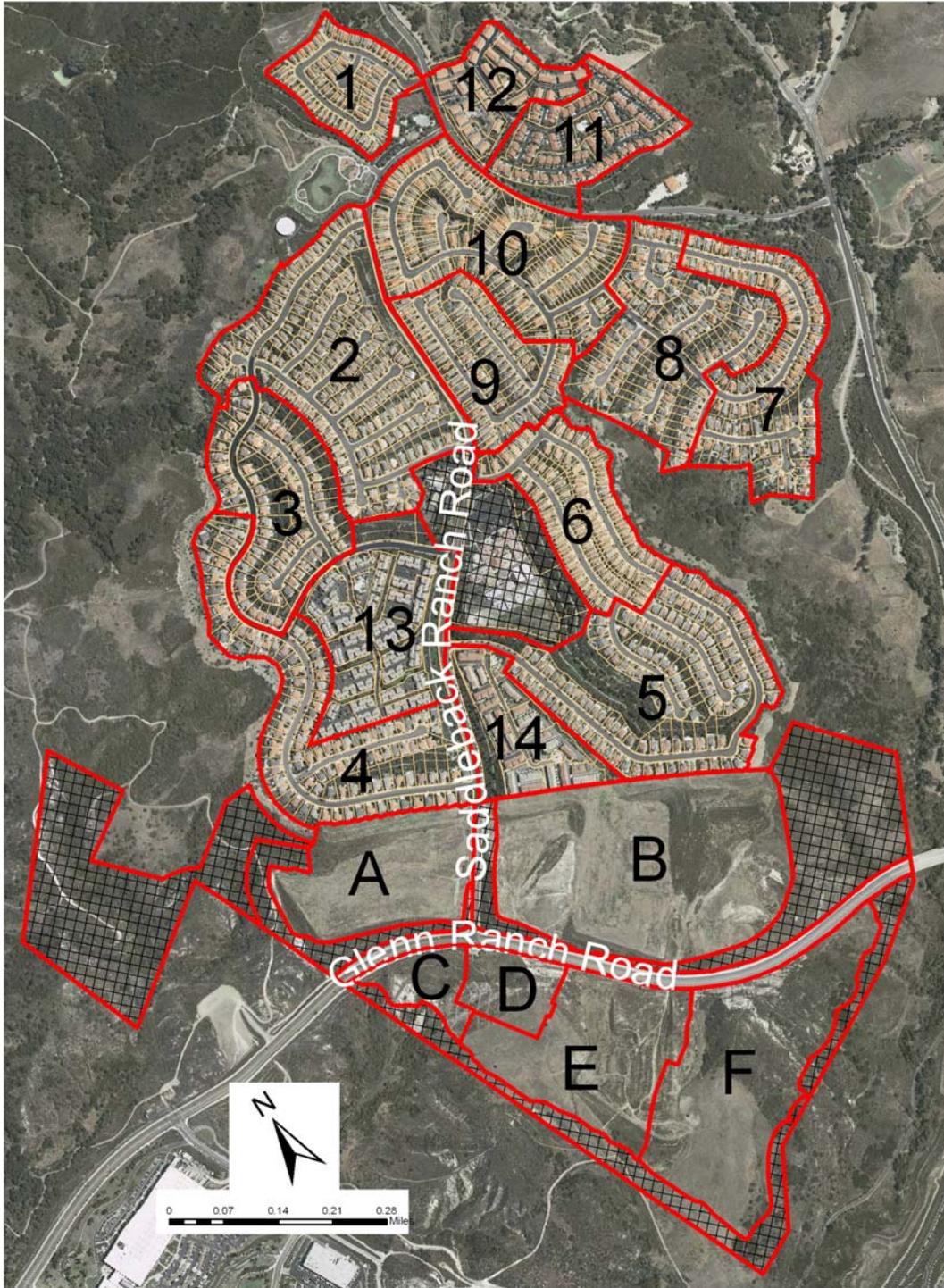


Figure 8.2-2 – Alternative 7: 930 Dwelling Unit Plan

The Opportunities Study General Plan Amendment would allow for a variety of residential densities throughout the project. The proposed Alternative 7 zoning would include unit caps that would dictate the maximum development on each of the project sites.

In addition, the density of Alternative 7 should be considered in conjunction with the potential environmental impacts associated with that density in comparison to the existing entitlements. For example, the trips associated with Alternative 7 are 75% less than those estimated for the existing entitlements at Site 2, as detailed under the heading “Traffic in the Vicinity of Portola Hills,” below.

Parking For The Multi Family Units

Parking is required in accordance with the standards contained in the City’s Zoning Ordinance. Both resident and guest parking is required. For attached units, the required parking increases in relation to the number of bedrooms in the unit.

TRAFFIC AT INTERSECTIONS:

Several comments on the Draft PEIR expressed concerns about the traffic that will be generated by the proposed Portola Center development. Many expressed additional concerns that existing traffic conditions are unacceptable and requested review of additional intersections within Portola Hills as part of the Draft PEIR.

Traffic Generation Proposed Project

As the 250 acre parcel of land is currently vacant, obviously no traffic is generated at the present time by it. The development of the currently approved land uses (Business Park and Commercial) would generate an additional 47,588 Average Daily Traffic (ADT) to today’s traffic load. The 2006 Proposed Project (1,132 units), would generate 19,226 trips, which represents a 60 % reduction in traffic compared to the land uses that are permitted today. This is a significant reduction in traffic.

Traffic Generation Alternative 7

As the 250 acre parcel of land is currently vacant, obviously no traffic is generated at the present time by it. The development of the currently approved land uses (Business Park and Commercial) would generate an additional 47,588 Average Daily Traffic (ADT) to today’s traffic load. The proposed Alternative 7 residential (930 unit) plan would generate 11,902 trips, which represents a 75 % reduction in traffic compared to the land uses that are permitted today. This is a significant reduction in traffic.

Traffic Counts

Traffic counts were taken by the City in April of 2005. The owner of Portola Center undertook an additional traffic study and gathered traffic counts in July of 2006 in conjunction with the draft project-level traffic study described below. Although it is a commonly accepted practice to adjust summer counts and add in the school trips, the City notified the owner of Portola Center that new counts must be taken when school is in session, as a part of the project-level review. Additional traffic counts were performed while school was in session, as requested.

Intersections Studied

The Draft PEIR evaluates 39 intersections in the Study Area and an additional 31 intersections in the Extended Study Area, for a comprehensive review of the potential transportation impacts of the Proposed Project. The Study Area and Extended Study Area for the Traffic Study was determined based on peak hour intersection criteria; the Traffic Study includes all major intersections where the Opportunities Study program would increase traffic by more than one percent. Intersections

experiencing less than a one percent increase would not be impacted by the Proposed Project. Please see Draft PEIR Appendix I for a detailed explanation of the Traffic Study area.

In addition, while the analysis of project level intersections is not part of the program-level analysis (See Topical Response 2, Program Level vs Project Level EIR), the Lake Forest Transportation Mitigation Program (LFTM) is a project component. The LFTM Program requires analysis of intersections within each of the sites as part of project-level review, as well as analysis of a specific list of eighteen intersections (called “secondary improvements”) at the project level, as part of a project level traffic study. Seven intersections are specified for the Portola Center applicant to study as part of the project level traffic study. The seven required intersections for Portola Center are:

- El Toro Road at Glenn Ranch Road,
- Saddleback Ranch Road at Malabar Road,
- Saddleback Ranch Road at Millwood Road,
- Marguerite Parkway at El Toro Road,
- Marguerite Parkway at Los Alisos Boulevard,
- Marguerite Parkway at Santa Margarita Parkway, and
- Los Alisos Boulevard at Santa Margarita Parkway

Secondary improvements outside of Portola Center which will receive project level review as part of the project-level traffic studies for those sites include:

- Bake Parkway & Baffin Bay (if access is taken via Baffin Bay) – (Shea/Baker)
- Bake Parkway & Rancho Parkway (Shea/Baker)
- Bake Parkway & Ranch Parkway South (Shea/Baker)
- Biscayne Bay & Commercentre Drive (IRWD)
- Dimension Drive & Commercentre Drive (IRWD)
- Indian Ocean & Commercentre Drive (IRWD)
- Bake Parkway & Dimension Drive (IRWD)
- Osterman Road & Regency Lane (Whisler)
- Lake Forest Drive & Regency Lane (Whisler)
- Peachwood & Tamarisk (Pacific Heritage)
- Peachwood & Trabuco Road (Pacific Heritage)

The list of secondary intersections does not include Glenn Ranch Road at Saddleback Ranch Road because that intersection is considered a project feature and will be analyzed as such as part of project-level review. However, a preliminary study was conducted and while mitigation at Glenn Ranch Road and Saddleback Ranch Road was not warranted, the owner of Portola Center has added a project design feature to this intersection to improve operations, as described more fully below in the discussion of the Draft site-specific Traffic Study for Portola Center. Project features are funded completely by the developer. The project level traffic study will determine what improvements are necessary to the intersections within the project area and will determine the developer’s fair share of the improvements to the secondary intersections.

While the Level of Service (LOS) and Intersection Capacity Utilization (ICU) calculations indicate that the intersection of Glenn Ranch Road and Portola Parkway is operating at an acceptable Level of Service, field observations indicate that during the afternoon peak period there is a concentration of traffic in the left lane on the east bound section of Portola Parkway approaching Glenn Ranch Road and SR-241. This is due to the heavy left turn movements at the two consecutive intersections where drivers prepare for making left turns onto Glenn Ranch Road or SR-241. Additionally, an operational concern exists in the morning peak period due to the short southbound free right turn from Glenn Ranch Road to westbound Portola Parkway. Analysis of operational solutions to the existing conditions at this intersection by the City are on-going. Also, the Portola Center applicant will study this intersection at the project-level stage as required by the Development Agreement.

Site Specific Traffic Studies

Site specific traffic studies will be required for each of the participating properties in the Opportunities Study Area to determine where traffic signals, lane augmentation, stop signs and other localized improvements will be required. This type of improvement is a “Project Feature”, unique to each of the parcels that comprise the Opportunities Study. This level of study takes place when subdivision maps are submitted for the precise development of each property and a site specific environmental document is prepared. The intersection of Saddleback Ranch Road and Glenn Ranch Road, which is located entirely within the Portola Center property, is a “Project Feature” of the proposed Portola Center development.

The City’s General Plan and the Opportunities Study EIR include performance criteria to which all intersections must conform. The exact improvements/geometrics and costs are defined at the project level environmental review.

The focus at the current Program level analysis is system-wide cumulative impacts, appropriate for a General Plan Amendment. The City’s goals are to (1) to ensure a funding mechanism is in place to pay for the cumulative system-wide improvements that are not Project Features tied to a single development (which would be fully funded by the applicant); (2) to create a benefit for all Lake Forest residents in the form of enhanced mitigation; and (3) to impose standards for future performance and a process to ensure that performance occurs.

Site Specific Traffic Study – Draft Traffic Study for Portola Center

Commenters have expressed concerns regarding project-level traffic impacts for Portola Center (Site 2), including impacts at the intersection of Glenn Ranch Road and Saddleback Ranch Road. While the analysis of project-level intersections is not part of the program-level analysis, the Draft PEIR does evaluate 39 intersections in the overall Opportunity Study Area and 31 intersections in the Extended Study Area. The exact improvements, potential impacts, and mitigation measures related to intersections and roadways for each property in the Opportunity Study Area, including the Portola Center, are required to be evaluated in the project-level environmental review. Project-level environmental review shall occur when the subdivision maps are submitted for precise development of each property (Opportunities Study Program Draft EIR, p. 7-12).

While the study of the project-level intersections is not required under CEQA for the Opportunity Study Program, a draft traffic study (“Draft Portola Center Traffic Study”), which analyzes the development of the Portola Center has been conducted by the applicant. The Draft project-level Portola Center Traffic Study assumes that Portola Center will be developed with 915 residential units, which is consistent with the range of 904 to 930 units covered in the different project alternatives, 40,000 square feet of

commercial, and 9.8 acres of park use. Eleven intersections were analyzed as part of the Draft Portola Center Traffic Study including Glenn Ranch Road and Saddleback Ranch Road, Glenn Ranch Road and El Toro Road, Marguerite Parkway and El Toro Road, Marguerite Parkway and Los Alisos Boulevard, Marguerite Parkway and Santa Margarita Parkway, Los Alisos Boulevard and Santa Margarita Parkway, Saddleback Ranch Road and Malabar Road, Saddleback Ranch Road and Millwood Road, Saddleback Ranch Road and Project Driveway #1 (N.E. Quad, W.B), Saddleback Ranch Road and Project Driveway #2 (N.W. Quad, E.B), Glenn Ranch Road and Project Driveway #3 (N.E. Quad, S.B).

The Draft Portola Center Traffic Study analyzes the intersections using the Intersection Capacity Utilization (“ICU”) methodology, which is the standard methodology utilized by the City of Lake Forest to determine whether a project would have potential traffic impacts. Under the ICU methodology, the City of Lake Forest has established a significance threshold of Level of Service (“LOS”) D as the minimum acceptable operating LOS at intersections during peak hours.

The following table summarizes the ICU methodology analysis for the Saddleback Ranch Road and Glenn Ranch Road intersection under (1) existing baseline conditions, (2) near-term 2010 baseline condition without the development of the Portola Center, (3) near-term 2010 baseline condition with development of Portola Center and (4) near-term 2010 baseline condition with development of the Portola Center plus cumulative buildout (assumes that all vacant lands in the City would be developed).

Table 8.2-5				
Saddleback Ranch Road and Glenn Ranch Road Intersection				
<i>Analysis</i>	<i>AM Peak Hour</i>		<i>PM Peak Hour</i>	
	<i>ICU</i>	<i>LOS</i>	<i>ICU</i>	<i>LOS</i>
Existing Baseline Condition	0.38	A	0.31	A
Near-Term 2010 Baseline Conditions (No Project)	0.48	A	0.35	A
Near-Term 2010 Conditions Plus Project	0.64	B	0.44	A
Cumulative Near-Term 2010 Conditions (Buildout Plus Project)	0.63	B	0.45	A

Under all these conditions the intersection of Saddleback Ranch Road and Glenn Ranch Road would operate at better than LOS D and no significant impacts would occur. In addition, all other intersections studied in the Draft Portola Center Traffic Study would operate at a LOS D or better and no significant impacts would occur. However, several comments have been made regarding the effective operation of the intersection of Saddleback Ranch Road and Glenn Ranch Road. Accordingly, the applicant has agreed to implement a project design feature, which is the development a free-right turn lane on southbound Saddleback Ranch Road onto westbound Glenn Ranch Road. Thus, although the intersection would operate at an LOS A or B, which is better than the City’s significance threshold of LOS D, this project design feature would further improve operation at the intersection of Saddleback Ranch Road and Glenn Ranch Road.

TRAFFIC IN THE VICINITY OF PORTOLA HILLS:

The existing Portola Hills Planned Community includes an undeveloped business park and commercial component on the site identified as Site 2 in the Draft PEIR. The Opportunities Study program proposes to redesignate the area available for business park and commercial development for residential and mixed uses. While the proposed residential uses would increase traffic as compared to current levels,

residential uses generate fewer trips than commercial and Business Park uses. Tables A-2 and A-3 in Draft PEIR Appendix I, Traffic Study, contain a detailed trip generation comparison at the Traffic Analysis Zone level. The following is a comparison of the trips that would be generated by both types of land uses in the vicinity of Portola Hills.

Table 8.2-6 Comparison of 2030 General Plan Trip Generation and 2030 Opportunities Study Trip Generation From Portola Hills (2006 Proposed Project)				
Land Use	Units	AM Peak Hour Total	PM Peak Hour Total	ADT
Proposed Portola Center Program				
Single Family Detached	525 DU	393	530	5,024
Condominium	141 DU	95	110	1,149
Apartment	466 DU	238	289	3,132
Commercial	178.72 TSF	238	862	9,905
Park	10 AC	0	0	16
Totals		964	1,791	19,226
Existing Portola Hills Planned Community				
Commercial	411.27 TSF	408	1,481	17,026
Business Park	2,395.2 TSF	3,425	3,090	30,562
Totals		3,833	4,571	47,588
ADT= Average Daily Trips DU= Dwelling Units TSF= Thousand Square Feet AC= Acres				

Table 8.2-7 Comparison of 2030 General Plan Trip Generation and 2030 Opportunities Study Trip Generation From Portola Hills (EIR Alternative 7)				
Land Use	Units	AM Peak Hour Total	PM Peak Hour Total	ADT
Proposed Portola Center Program				
Single Family Detached	481 DU	361	486	4,603
Condominium	367 DU	246	286	2,991
Apartment	82 DU	42	51	551
Commercial	40 TSF	90	325	3,743
Park	8 AC	0	0	14
Totals		739	1,148	11,902
Existing Portola Hills Planned Community				
Commercial	411.27 TSF	408	1,481	17,026
Business Park	2,395.2 TSF	3,425	3,090	30,562
Totals		3,833	4,571	47,588
ADT= Average Daily Trips DU= Dwelling Units TSF= Thousand Square Feet AC= Acres				

As discussed earlier, the Proposed Project would generate sixty percent fewer trips than the currently allowable industrial and commercial uses and Alternative 7 would generate 75% fewer trips. Thus, by

comparison, there would be fewer impacts to local streets. The Proposed Project and Alternative 7 also includes implementation of the Lake Forest Traffic Mitigation Program (LFTM) which will ensure that necessary traffic improvements are funded. As described in the Draft PEIR (pp. 3.14-25 to 3.14-27), the LFTM program is designed to maintain adequate levels of service on the City's arterial street system to address 2030 traffic demands in the City with the Proposed Project.

EVACUATIONS:

Several comments expressed a concern that the proposed development would cause additional traffic congestion on evacuation routes during a major emergency, such as a wildfire. The City's Emergency Preparedness Plan indicates that Interstate 5, SR-241, and major arterials will be used as emergency evacuation routes. The routes used during an emergency would be determined by the incident commander based on the nature and location of the threat. Traffic control may be deployed in the event of an emergency to ease traffic congestion for an orderly evacuation.

RURAL FEEL:

The owner of the 250 acres of vacant land that remains within the Portola Hills Planned Community has the right to develop the remainder of the property. The City believes that the development of the property with residential and open space uses and a small commercial component completes the development of the Portola Hills Planned Community in a manner that is far more compatible than the allowable commercial and Business Park uses. The proposed plan includes the dedication of additional open space on the east side of Glenn Ranch Road which will preserve an open space view corridor into the Whiting Ranch Wilderness Park. The Edison easement will provide a 1,300 foot wide open space buffer from the Oakley development to Portola Center. The completed Portola Hills Planned Community will continue to be virtually surrounded by open space uses.

The Portola Hills Planned Community is located among significant open space which serves both local and regional recreational needs. The Whiting Ranch Regional Park is adjacent to the community on the west, the Southern California Edison Easement is located to the south, and the Cleveland National Forest is located nearby to the north. In addition, several open space corridors are preserved within the community as linkages to the adjacent regional open space. The location of the community among these open space resources adds to the rural feel that many commenters have identified.

The proposed Portola Center project includes over 80 acres of open space. The majority of the open space would be located along the boundaries of the project site, adjacent to existing open space, to provide a transition from the development to the existing open space resources as well as potential trail connections. This concept is similar to the existing Portola Hills development where open space is located on the edges of the development. This concept is illustrated on Draft PEIR Figure 2-4, which shows designated land uses of Open Space in green and dark green among the existing Portola Hills community and the proposed Portola Center concept.

AFFORDABLE HOUSING:

Several comments have asked whether the proposed Portola Center development will include affordable housing. The City's General Plan Housing Element includes the following policy: "Policy 1.10: Encourage residential developments to incorporate a minimum of 15 percent affordable units." Because of this policy, all residential development within the City, within the Opportunities Study or not, includes affordable housing. In addition, the existing planned communities within Lake Forest that developed under the County's jurisdiction included affordable housing. For example, when the existing Portola

Hills community was developed, it included 370 affordable housing units, which comprised 16.8 percent of the 2,200 homes.

As described in Section 3.11 on page 3.11-7 of the Draft PEIR, the City receives an allocation of housing units through Regional Housing Needs Assessment (RHNA). The RHNA includes housing needs for all income groups. The Proposed Project will help the City to meet its current and future RHNA allocations.

A percentage of the housing units to be developed under the Proposed Project would be affordable pursuant to an Affordable Housing Implementation Plan (AHIP) required as part of the Development Agreement. Affordable units may be for-sale or rental. This would translate to a goal for the Portola Center property to include up to 140 affordable units. The applicant has indicated that it is likely that many of the affordable units in Portola Center will be for seniors and moderate income households. Affordable units are termed as “very low”, “low” or “moderate”, depending on the income of the family they are made available to. The rent or sales price is based on household size and income. A “very low income” family of four could afford a monthly rental payment of \$857 per month. A “moderate income” family of 4 could afford a monthly rental payment of \$2,216. Affordable units have been incorporated throughout the City of Lake Forest, including Foothill Ranch and Portola Hills.

Each of the Opportunities Study participants will be required to develop project-level AHIPs consistent with the General Plan Housing Element policy. As proposed, the AHIP will use a point system with a menu of options to enable the developers to meet the fifteen percent goal.

VIEWS:

Comments on the Draft PEIR have noted that some homes in Portola Hills enjoy views of the Saddleback Valley and beyond. Some have asked how views from the existing homes along Millwood Road, Malabar Road, and Jasper Hill Road will be affected by the proposed Portola Center development. The analysis in the Draft PEIR focused on views from scenic highways and arterial streets and visual compatibility among existing and proposed uses and did not evaluate private views. The homes along Malabar Road and Millwood Road are located along the top of a significant slope. The northern portion of Portola Center, which includes the existing slope, is planned for single-family detached homes. These homes would be one and two stories in height and would not block views of the existing homes along the top of the slope.

SCHOOLS:

A number of comment letters discussed existing issues with Portola Hills Elementary School and concerns that the school would become over-crowded with the addition of the proposed residences. Specific impacts at individual school sites are difficult to predict and would depend on the buildout year of specific sites, the nature of declining enrollment within the school district, whether or not a school is built on one of the project sites, and where the school district decides to send the new students from the Opportunities Study area. A detailed demographic study based on Fall 2004 enrollment was performed for the Opportunities Study and is included as Appendix N to the Final PEIR. The report, entitled “Fall 2004 Report, Student Population Projections By Residence” by Davis Demographics and Planning for the Saddleback Valley Unified School District indicates that the Opportunities Study is expected to generate approximately 1,900 K-12 students within the district (assuming the 2006 DPEIR Proposed Project with 5,415 homes). The following table applies the student generation factors used by Davis Demographics, and shown project-wide in Table 3.12-7 on page 3.12-12 of the Draft PEIR, to the Portola Center development individually. It should be noted that this is an estimate of total students at

buildout, not for any single year. The Davis Demographics Report includes a detailed analysis of student absorption over the years during which the project is expected to be built.

Product Type	Number of Units	K-6		7-8		9-12	
		Student Generation	Number of Students	Student Generation	Number of Students	Student Generation	Number of Students
Single Family Detached	525	0.443	232	0.093	49	0.161	85
Single Family Attached	141	0.167	24	0.027	4	0.061	9
Apartments	466	0.109	51	0.031	14	0.047	22
Totals	1,132		307		67		116

The Saddleback Unified School District plans and operates the public elementary, intermediate and high schools within the City. As discussed on page 3.12-12 of the Draft PEIR, the Saddleback Valley Unified School District (SVUSD) and all of the Opportunities Study participating landowners are discussing a school mitigation agreement to address the specific impacts of the Opportunities Study on the SVUSD as discussed in Topical Response 8.

The Saddleback Unified School District approved the School Mitigation Agreements with Portola Center, Shea/Baker Ranch and IRWD on May 13, 2008. Details of the Portola Center agreement are provided for informational purposes. The City is not a party to the agreement. That agreement obligates the developer to pay the district \$8,410 per unit which exceeds the current statutory fee amount by approximately \$3,300 per unit. The Portola Center Development Agreement provides that failure of the owner to comply with the Portola Center School Mitigation Agreement is a material breach of the Development Agreement and cause for the City to halt development of the proposed Portola Center project.

Portola Elementary School Construction Issues

The landowner has worked with the School District to address the current concerns regarding Portola Elementary School. At the present time, the Department of State Architects is reviewing data that has been gathered over the last several years. It is anticipated that the results of this review and the identification of necessary corrective measures will soon be identified. The Portola Center landowner has expressed a commitment to the District to assist in fixing issues at the school as identified by the studies. While these improvements are not part of this project, the Agreement between Portola Center and the School District includes provisions to address the existing Portola Elementary School.

The school district approved a Portola Center School Mitigation Agreement on May 15, 2008. Details of that agreement are provided for informational purposes. The City is not a party to the agreement. That agreement requires the developer to pay the district \$2.9 million to implement a series of recommendations to repair the existing school site. The Portola Center Development Agreement provides that failure of the owner to comply with the Portola Center School Mitigation Agreement is a material breach of the Development Agreement and a cause for the Cit to halt development of the Portola Center project.

PARKLAND:

The Planned Neighborhood Parks In Portola Center

The City's Subdivision Ordinance requires that parkland be dedicated to the City and improved with recreational facilities in conjunction with the development of the land. The Development Agreement will require the initial subdivision map and related Area Plan to address the timing and construction of parks, including the dedication of parkland and funding for improvements.

The Portola Center Development Agreement requires the developer to provide on-site neighborhood parks pursuant to the City Municipal Code standards of 3/1000 residents, and include a 5 net acre neighborhood park. This neighborhood park must be dedicated to the City of Lake Forest as a condition of approval of the Final A Map. Additionally the developer is required to pay the City \$2,375,000 to fund the construction of park improvements. These details of the Development Agreement are provided for informational purposes.

FISCAL:

Community Facilities District (CFD, i.e. Mello Roos Tax Claims)

The Portola Center Property Owner and the County of Orange are researching the benefits of refinancing or restructuring the existing CFD debt on properties in the Portola Hills Community Facilities District 87-2 in the event that proposed Opportunities Study General Plan Amendment is approved. While the outcome and benefits are difficult to predict with certainty at this point, the goal is to explore the potential of reducing taxes for existing residents of Portola Hills. In no event, however, will CFD taxes increase or be extended for existing residents because of the approval of Portola Center.

■ Topical Response 8 – Schools

Project Student Generation

As discussed more fully in Section 3.12 of the Draft PEIR, a detailed demographic study based on Fall 2004 enrollment was performed for the Opportunities Study based on program level information and is included as Appendix N to the Final PEIR.

Text Change

The SVUSD's 2004 Davis Demographics and Planning report projecting student population by residence is added as Appendix N of the Final PEIR.

The decision as to how project-generated students will be accommodated is that of the SVUSD and is not within the City's control. The Proposed Project includes a school site as explained below.

School-Specific Impacts

School impacts are addressed in Section 3.12 of the Draft PEIR. Specific impacts at specific schools are difficult to predict and would depend on the buildout year of specific sites, the nature of declining enrollment in the area, and whether or not a school is built on one of the project sites. Some of this

information can not be accurately predicted at this time. In light of these constraints, and because this is a Program EIR, analysis of impacts to school enrollments and capacities is too speculative for analysis at this point. To the extent that such impacts can be analyzed, such analysis would be proper only in project-level environmental documents for which specifics such as density and potential increase to school enrollments would be ascertainable. Conclusions regarding the level of impact after mitigation would not change with this additional information as the Draft PEIR requires full mitigation of school impacts in the form of school mitigation fees in compliance with state law, as described below. No further mitigation would, therefore, be required at the project-level.

School Mitigation Fees

As explained in Section 3.12 of the Draft PEIR, all school impacts will be fully mitigated pursuant to State law. As specified in Government Code Section 65995(h):

(h) The payment or satisfaction of a fee, charge, or other requirement levied or imposed pursuant to Section 17620 of the Education Code in the amount specified in Section 65995 and, if applicable, any amounts specified in Section 65995.5 or 65995.7 are hereby deemed to be full and complete mitigation of the impacts of any legislative or adjudicative act, or both, involving, but not limited to, the planning, use, or development of real property, or any change in governmental organization or reorganization as defined in Section 56021 or 56073, on the provision of adequate school facilities.

Both the Draft PEIR (Mitigation Measure 3.12-3) and State law require the payment of these statutory fees to mitigate school impacts. This is the school mitigation required for schools as part of the project and, as specified in State law, constitutes full mitigation. The way school impact fees are allocated and their use is under the control of the School District. The final decision regarding the use of school mitigation fees is that of the SVUSD, and is not within the City's control.

SVUSD approved a School Mitigation Agreement with Portola Center Shea/Baker Ranch and IRWD on May 15, 2008 which provides for mitigation in excess of the State mandated level and in excess of what would constitute full mitigation under the law. Any payment of fees in excess of the State mandated amount included in the agreement constitutes an additional public benefit of the project.

School Site

As discussed on page 2-18 of the Draft PEIR under Schools, one potential public school site has been proposed on Site 1. Construction of a public school on Site 1 is included in the traffic scenario analyzed in the Draft PEIR. However, construction of schools and the ultimate approval of a school site are within the SVUSD's jurisdiction, not the City's.

Portola Hills Elementary School

The conditions at Portola Hills Elementary school are existing conditions. (See Topical Response 1 and 7). For this reason, existing problems at Portola Hills Elementary school are not impacts of the project, and mitigation of these existing conditions is not required of project landowners in the Draft PEIR as part of the Opportunities Study. (However, as detailed in Topical Response 7, the landowners have signed a Mitigation Agreement with the SVUSD which addresses issues at Portola Hills Elementary school). Similarly, the question of where existing children will go to school is not related to an impact of the project.

■ Topical Response 9 – Traffic

Program Level Analysis

The traffic analysis contained in the Draft PEIR is a program level analysis. (See Topical Response 2). The focus at the current Program level analysis is system-wide cumulative impacts, appropriate for a General Plan Amendment. The City's goals are: (1) to ensure a funding mechanism is in place to pay for the cumulative system-wide improvements that are not Project Features tied to a single development (which would be fully funded by the applicant); (2) to create a benefit for all Lake Forest residents in the form of enhanced mitigation; and (3) to impose standards for future performance and a process to ensure that performance occurs.

The City's General Plan and the Opportunities Study PEIR include performance criteria to which all intersections must conform. The exact improvements/geometrics and costs will be defined as part of the project level environmental review.

Ground to Plan Analysis

The Traffic Study and Draft PEIR includes a ground to plan analysis; that is, an analysis of the Proposed Project's impacts against existing conditions. The discussion in the text of the Draft PEIR includes both the impact of the Proposed Project compared to the impact of General Plan development, as well as the impact of the Proposed Project compared to existing conditions. The Traffic Report (Appendix I) for the project includes an analysis of the project compared to existing conditions, beginning on page 5-12.

Table 3.14-14 in the Draft PEIR lists the net traffic effect of the Proposed Project, compared to buildout under the existing General Plan. Section 3.14 of the Draft PEIR provides a detailed analysis of the traffic impacts of the Proposed Project. Pages 3.14-36 to 3.14-50 address the project compared to existing conditions. See also the Traffic Report contained in Appendix I, which also addresses the project verses existing conditions.

Moreover, the LFTM improvement program is a full improvement program, starting from existing roadway conditions (i.e. only currently committed improvements are assumed).

Intersections Included In the Analysis

The Draft PEIR included analysis of intersections in the City's Circulation Element where project traffic would increase volumes by more than one percent compared to General Plan levels. General Plan levels have received prior environmental review as part of the EIR for the General Plan. (The Traffic analysis for the Proposed Project also includes an analysis of the Proposed Project compared to existing conditions).

All jurisdictions use the same set of General Plan assumptions in their long range analysis. Whenever a General Plan amendment is analyzed, the question is how will its impacts differ from what has already been analyzed as part of the General Plan. The sizing of roadways and intersection configurations within the City and adjacent cities have all been developed to address buildout under the General Plan. (For example, the FCCP is an example of a long range improvement program designed to address buildout conditions.) In regards to Portola Hills intersections:

Traffic on Glenn Ranch Road – Portola Center will have all its traffic loading onto Glenn Ranch Road. The traffic report provides a comparison of the trip generation for Portola Center under the current General Plan versus the proposed General Plan Amendment. The comparison is as follows:

Table 8.2-9 Trip Generation Summary – Portola Center							
Land Use	AM Peak Hour			PM Peak Hour			ADT
	In	Out	Total	In	Out	Total	
General Plan	3,123	710	3,833	1,430	3,141	4,571	47,588
2006 Proposed Project	316	648	964	999	792	1,791	1,9226
Difference From General Plan	-2,807	-62	-2,869	-431	-2,349	-2,780	-28,362
Alternative 7	217	522	739	667	481	1,148	11,902
Difference From General Plan	-2,906	-188	-3,094	-763	-6,660	-3,423	-35,686

As can be seen, the amount of traffic accessing Glenn Ranch Road will be substantially lower under the Proposed Project compared to the General Plan land uses for this project area (only 25 percent of General Plan trips in the AM peak hour and 39 percent during the PM peak hour).

The Portola Center Development Agreement identifies direct vehicular access from Portola Center’s north east development area to Glenn Ranch Road as the preferred access route, and requires the developer to study the feasibility of providing such access as part of the Area Plan submittal. The Portola Center Development Agreement further commits the City to require the construction of such access if the City determines that its construction conforms to all applicable traffic and safety standards.

Saddleback Ranch Road/Glenn Ranch Road Intersection – This intersection is surrounded on all four corners by the proposed Portola Center development and a concern has been raised with respect to the future capacity needs at the intersection. Those capacity needs will be examined as part of the Portola Center project submittal. The intersection will be reconstructed as a four-way intersection with sufficient lanes to accommodate the existing and future traffic. As noted above, the trip generation for the Proposed Project is order-of-magnitude lower than the trip generation under the General Plan land uses, and the intersection will be designed and constructed to have adequate capacity.

Topical Response 7 includes a discussion of the draft site-specific Traffic Study prepared for Portola Center. The Portola Center Development Agreement requires the developer to construct a free right turn lane from Saddleback Road onto Glenn Ranch Road as a Portola Center project feature, although the intersection would experience a less than significant impact from project traffic.

El Toro Road/Glenn Ranch Road – This intersection in the City of Mission Viejo was not included in the traffic study. The approach to intersections outside the City of Lake Forest was to examine the differences in traffic volumes for the General Plan versus the Proposed Project. Only those locations where there was an increase in traffic were included in the traffic study. For example, two intersections in the City of Mission Viejo along Los Alisos Road (Muirlands Boulevard and Jeronimo Road) were included since the Proposed Project increases traffic. Others to the north on Los Alisos Road were not

included because the Proposed Project causes a decrease in traffic compared to the General Plan. Similarly, intersections in Irvine and Laguna Hills were included in the traffic analysis where the comparison between General Plan and Proposed Project showed an increase in traffic.

Examination of recent traffic counts at El Toro Road and Glenn Ranch Road shows the intersection to be operating at LOS “A.” The Proposed Project versus the current General Plan project would not adversely affect this intersection, and with the existing LOS there appears to be adequate capacity for future traffic, particularly with the substantially lower trip generation of the Proposed Project.

Glenn Ranch Road/Portola Parkway intersection – The traffic analysis shows this intersection currently operating at level of service (LOS) “A” in the AM and PM peak hours, respectively. Nonetheless, some concerns have been raised regarding this intersection.

Specifically, on this section of Portola Parkway, eastbound traffic has two heavy left turn movements at two consecutive intersections (Glenn Ranch Road and SR-241). As a consequence, traffic does not fully utilize all the eastbound lanes. Instead there is a concentration of traffic in the left lane in readiness for making a left turn either at Glenn Ranch Road or SR-241. Traffic in that lane hence backs up a considerable distance from the intersection during the PM peak period, giving the appearance that the intersection, and indeed this section of Portola Parkway, is congested. In the AM peak period, the southbound free right turn from Glenn Ranch Road onto westbound Portola Parkway backs up due to a short merge length on Portola Parkway.

While these concerns do not result in a significant project impact, there may be operational improvements at the project-level, such as extending the existing left turn pocket and/or improving the right turn movement. Potential operational changes to improve existing conditions will be studied by the landowner at the project level. Potential improvements would address existing conditions which are inhibiting the functioning of this intersection and would not change the conclusions contained in the traffic study regarding with-project levels of services compared to existing levels.

Effect of Laguna Woods General Plan Amendment On Analysis

The LFTM analysis uses the year 2030 OCP-2004 demographic projections maintained by the Center for Demographic Research on behalf of all Orange County cities and the County. These projections do not include the City of Laguna Wood’s October 2002 General Plan amendment. After discussing the issue with the City of Laguna Woods, the City determined that the following “sensitivity” analysis would be conducted to determine if the absence of this information would alter the conclusions of the traffic study summarized in the Draft PEIR. The following summarizes the results of the sensitivity analysis conducted to evaluate the potential effects of updated information provided by the City of Laguna Woods relative to the Draft Program Environmental Impact Report (Draft PEIR).

The version of the Lake Forest Traffic Analysis Model (LFTAM) that was applied in the Draft PEIR traffic study utilized the Orange County Projections - 2004 (OCP-2004) data set that was available at the time that the traffic study was initiated. In August 2005 the City of Laguna Woods submitted a modified set of OCP-2004 employment projections to the Orange County Transportation Authority (OCTA) for incorporation into the Orange County Transportation Analysis Model (OCTAM). The modified projections increase the amount of future employment growth that is forecast to occur in the City of Laguna Woods by the following amounts:

Table 8.2-10 Increase in 2030 Employment Growth				
Timeframe	Retail Employment	Service Employment	Other Employment	Total Employment
Year 2030	346	82	212	640

To evaluate the potential effect of this added employment growth in Laguna Woods on the findings of the project traffic study, a sensitivity analysis of with-project conditions with the added Laguna Woods employment growth was conducted for the following intersections:

- Intersection 130 – Ridge Route & Moulton
- Intersection 37 – Paseo de Valencia at Avd Carlota
- Intersection 131 – Santa Maria & Moulton
- Intersection 144 – El Toro & Paseo de Valencia
- Intersection 132 – El Toro & Moulton

Table 8.2-11 summarizes 2030 average daily traffic (ADT) volumes, for arterial roadways in the City of Laguna Woods with and without the additional OCP-2004 employment growth. **Table 8.2-12** summarizes the corresponding AM and PM peak hour intersection capacity utilization (ICU) values and LOSs for arterial intersections in the City of Laguna Woods.

According to the Draft PEIR, the only location significantly impacted by the Proposed Project is Paseo De Valencia at Avenida de la Carlota, which as can be seen here, is unaffected by the increased employment. Improvements to this intersection are included in the LFTM as shown in Draft PEIR Table 3.14-15. As a result project impacts are less than significant. Other locations with or without Laguna Woods employment did not meet the significance threshold for project impacts.

Table 8.2-11 2030 ADT SUMMARY			
City of Laguna Woods Arterial Roadway	Scenario	Without Added Laguna Woods Employment	With Added Laguna Woods Employment
El Toro Road east of Moulton Parkway	With-Project	40,000	42,000
El Toro Road west of Moulton Parkway	With-Project	33,000	36,000
Moulton Parkway south of Ridge Route Drive	With-Project	57,000	58,000
Moulton Parkway south of Santa Maria Avenue	With-Project	53,000	55,000
Moulton Parkway south of El Toro Road	With-Project	55,000	56,000
Paseo de Valencia south of El Toro Road	With-Project	39,000	40,000
Santa Maria Avenue west of Moulton Parkway	With-Project	11,000	12,000

Table 8.2-12
2030 ICU SUMMARY

City of Laguna Woods Intersection	Without Laguna Woods Employment				With Laguna Woods Employment			
	AM Peak Hour		PM Peak Hour		AM Peak Hour		PM Peak Hour	
	ICU	LOS	ICU	LOS	ICU	LOS	ICU	LOS
Ridge Route & Moulton	.63	B	.76	C	.64	B	.77	C
Paseo de Valencia at Avd Carlota	.62	B	1.05	F	.62	B	1.05	F
Santa Maria & Moulton	.95	E	.89	D	.95	E	.90	D
El Toro & Paseo de Valencia	.65	B	.64	B	.65	B	.66	B
El Toro & Moulton	1.06	F	1.03	F	1.07	F	1.05	F

The ADT and peak hour results summarized here for the sensitivity analysis based on the added OCP-2004 employment growth in the City of Laguna Woods indicate that traffic levels on the City of Laguna Woods arterial roadway system are higher with the added employment growth, but that the added employment does not result in any additional project impacts or the need for additional project mitigation measures.

Site Specific Traffic Studies

As explained in Topical Response 7, the LFTM program specifies intersections to be analyzed as part of project-level site-specific traffic analysis for each site. Site specific traffic studies will be required for each of the participating properties in the Opportunities Study Area to determine where traffic signals, lane augmentation, stop signs and other localized improvements will be required. This type of improvement is considered to be a “Project Feature” that is unique to one of the parcels that comprise the Opportunities Study. This level of study takes place when subdivision maps are submitted for the precise development of each property and a site specific environmental document is prepared. See also Portola Hills Topical Response 7 which provides as list of the secondary intersections to be analyzed as part of site-specific traffic studies under the LFTM.

■ **Topical Response 10 – Landslides**

The Draft PEIR explains on page 3.6-11, under Landslides, that parts of the uplands in the Project Area, particularly in Site 2 (Portola Center), are in state-designated Seismic Hazard Zones for Landslides, and that within these Zones site-specific investigations of landslide potential are required. On pages 3.6-15 and -16 of the Draft PEIR, it is explained that within these Zones the City would require site-specific investigations to address the actual, i.e., existing, soils conditions (stability of soil slopes) at each site where development is proposed; would require the project (i.e., the developer or project sponsor) to provide appropriate treatment of those conditions (slope reconstruction, buttressing, etc.); and would require those treatments be made part of the construction design (project approval conditions, grading permit conditions, building permit conditions, etc.). In the same paragraphs about the Seismic Hazards Mapping Act, the Draft PEIR explains that the Seismic Hazard Zones Map for El Toro Quadrangle, which encompasses the Project Area, shows that the creeks and washes bounding and bisecting the Project Area contain Liquefaction Hazard Zones and that there are scattered Landslide Hazard Zones, mostly in the eastern third of the Project Area.

Page 3.6-18 of the Draft PEIR states:

The important information for the City as lead agency is not the specific location and exact extent of unsuitable conditions at each potential construction location, but the knowledge that such conditions have been identified in the Project Area, that standard techniques are available for avoiding or correcting them, and that oversight responsibility for them is vested in the lead agency.

On page 3.6-18 of the Draft PEIR, the narrative continues, stating that City Municipal Code Chapter 8.30, the Lake Forest Grading and Excavation Code portion of the City's Building and Construction Code, contains specific regulations to safeguard life, limb, property, and the public welfare by regulating grading on private property. The narrative explains that the provisions of the Building Code are legal requirements, i.e., not optional activities subject to discretionary action, and that the investigation and treatment of geologic, soils, and seismic conditions through the use of site-specific suitability analyses conducted to establish design criteria for appropriate foundation type and support, are standard regulations applied to all projects involving grading, excavation, and construction. Because compliance is required, grading, excavation, and/or construction permits would be issued only when a site-specific project design had demonstrated that existing and/or potentially hazardous conditions had been remediated.

On page 3.6-22 of the Draft PEIR, under Impact 3.6-4, the Draft PEIR narrative states specifically, "Parts of the Project Area, including portions of Sites 2, 3, and 4 are underlain by hillside deposits (colluvium) that contain active and dormant landslide features, . . ." making it clear that landsliding is an existing, known condition of these parts of the Project Area, not merely a condition suspected to exist within a broadly designated zone.

From the information presented on the aforementioned pages of the Draft PEIR, it will be apparent to the reader that landsliding is known to be a major concern of the City and is particularly a concern in, and adjacent to, the Project Area.

It is recognized that landsliding, whether induced by seismic, meteorological, or human activity, is a real and serious concern of the City and the community. Nonetheless, it is unnecessary for the Draft PEIR to present an extensive history of grading activities and landslide locations in, or near, the Project Area to substantiate the necessity for the required compliance with the City's building and construction regulations or the necessity for appropriate oversight of future grading activities.

Grading that occurred during the construction of a development adjacent to the Project Area involves the issue of "tiering" between a Program EIR and a Project EIR. Tiering refers to the coverage of general matters and environmental effects in an EIR prepared for a policy, plan, program, or ordinance, followed by narrower or site-specific environmental documents that (1) incorporate, by reference, the discussion in the earlier EIR and (2) concentrate on the environmental effects that are capable of being mitigated or were not analyzed as significant effects on the environment in the earlier EIR. As explained on page 1-2 of the Draft PEIR, Section 15168(c) of the CEQA Guidelines requires subsequent activities, i.e., development projects proposed in the Project Area, to be examined in light of the PEIR for the Lake Forest Opportunities Study to determine whether additional environmental documentation must be prepared. If a later activity, such as extensive slope stabilization for a specific construction site or group of sites, would have significant effects that were not examined in the Program EIR, subsequent environmental documentation is required to be prepared. That subsequent environmental documentation would be tiered from the Program EIR. The tiering process allows for large-scale planning approval of the Proposed Project and the legal deferment of the analysis of detailed, site-specific information that is not presently available. That analysis would occur when the City, or other lead agency, prepared future

environmental documents dealing with site-specific development proposals within the Project Area, consistent with the Proposed Project.

The Proposed Project, in itself, does not authorize any grading, excavation, or construction; however, it prepares the planning and zoning groundwork for the City to entertain site-specific development proposals that would involve these types of activities. Although slope stabilization activities (grading, buttressing, etc.) are a reasonably foreseeable outcome of the Proposed Project, without a site-specific project design (which would include site-specific geotechnical investigation and a detailed development proposal), slope-stability analysis of particular locations or contemplating about how they would comply with City regulations would be speculative. Such activities would be examined during project-level review when site-specific plans are submitted to the City.

■ Topical Response 11 – Alternatives

The PEIR for the Opportunities Study is a program EIR. The alternatives evaluate different densities for the program as a whole. Two of the alternatives in the Draft PEIR reduce housing densities from the number included in the Proposed Project. In general, the alternatives are designed to help the City's decision makers select from among the competing facilities locations, and to understand the relative impact of the alternative locations. The decision-makers have the option to reduce project densities; however, substantial density reductions would be required to reduce all of the significant unmitigatable impacts to less than significant and a revised project which accomplished this level of impact reduction would not meet the objectives of the project, since it would make provision of the desired public amenities fiscally infeasible.

The OSA Draft PEIR is a program-level EIR which analyzes the impacts of a proposed General Plan Amendment and zone change to address a change in land use from predominantly commercial/industrial uses to residential, commercial and civic uses. How exactly those land uses are configured within each of the covered properties is not addressed as part of this PEIR as that is a level of analysis that is more appropriate to a project-level analysis when specific issues of site design and property-specific planning can be conducted.

CEQA Guidelines Section 15126.6(a) requires an EIR to:

describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives. An EIR need not consider every conceivable alternative to a project. Rather it must consider a reasonable range of potentially feasible alternatives that will foster informed decisionmaking and public participation. An EIR is not required to consider alternatives which are infeasible. The lead agency is responsible for selecting a range of project alternatives for examination and must publicly disclose its reasoning for selecting those alternatives. There is no ironclad rule governing the nature or scope of the alternatives to be discussed other than the rule of reason.

As described in Chapter 5 and Section 7.2.6 of the Recirculated portions of the Draft PEIR, the project would result in the following significant unmitigated impacts:

- Light and glare impacts due to development on vacant land.
- Agricultural resources impacts on Site 1 and a portion of Site 7 primarily due to the loss of prime farmland.
- Construction and operational air quality impacts.
- Pesticide-related water quality impacts
- Cumulative noise impacts
- Population growth
- Traffic and transportation (cumulative)
- Global climate change

Biological resource impacts were less than significant with implementation of the mitigation measures included in the PEIR.

Reduced development alternatives may reduce, but would eliminate only some of the significant unmitigatable project impacts. In addition, substantially reduced development alternatives would not achieve key objectives of the Proposed Project, specifically the generation of public benefits in the form of a developer financed sports/park complex and a civic/community center. This is why a reduced density alternative did not receive comprehensive analysis in the PEIR, but was one of the alternatives rejected as infeasible in the PEIR (see discussion in Section 4.4.5 of the PEIR).

Although substantially reduced project alternatives would not achieve the key objectives of the project, the City's decision-makers have the option, as part of their consideration of the project, to consider modifications to the Proposed Project, such as reductions in site densities, as such modifications would be within the range of alternatives analyzed in the PEIR, and would not result in additional impacts, beyond those analyzed in the environmental document for the project.

As noted in Section 4.4.5 of the Draft PEIR, the Proposed Project represents a reduced density alternative, as compared to the Landowner Concept Plan, put forth by the owners of the seven parcels included in the Opportunities Study. The City had the option to analyze the Landowner Concept Plan and to include the Proposed Project as a density-reducing alternative, but chose to elevate the density-reducing alternative to project status prior to release of the Draft PEIR.

Following the close of the public comment period on the Draft PEIR, the City identified a new lower-intensity alternative. This new alternative is a combination of several of the alternatives discussed in the Draft PEIR, and therefore is referred to as the "hybrid alternative" or "Alternative 7." This alternative is described and analyzed in Chapter 7 of the PEIR.

It should be further noted that the Draft PEIR analyzes the Proposed Project at a program-level. (See Topical Response 2). Subsequent environmental review will be required for the separate developments which would occur on Opportunities Study project sites.

■ Topical Response 12 – Notice

A number of comments requested information regarding how residents were notified of public meetings regarding the Opportunities Study and of the availability of the DPEIR. Noticing for public meetings was done via the posting of City Council agendas by the City Clerk. Additional information was provided to via e-mail the Opportunities Study interest list and on the City’s website. The Opportunities Study has been well publicized by the City with a dedicated website, extensive mailing list, coverage in the Citywide newsletters as well as the Orange County Register and Saddleback Valley News. Notices regarding the DPEIR were provided as required by CEQA.

CEQA Guidelines Section 15087 specifies noticing requirements as follows:

(a) The lead agency shall provide public notice of the availability of a draft EIR at the same time it sends a notice of completion to the Office of Planning and Research. This public notice shall be given as provided under Section 15105 (a sample form is provided in Appendix L). Notice shall be mailed to the last known name and address of all organizations and individuals who have previously requested such notice in writing, and shall also be given by at least one of the following procedures:

(1) Publication at least one time by the public agency in a newspaper of general circulation in the area affected by the Proposed Project. If more than one area is affected, the notice shall be published in the newspaper of largest circulation from among the newspapers of general circulation in those areas.

(2) Posting of notice by the public agency on and off the site in the area where the project is to be located.

(3) Direct mailing to the owners and occupants of property contiguous to the parcel or parcels on which the project is located. Owners of such property shall be identified as shown on the latest equalized assessment roll.

(b) The alternatives for providing notice specified in subdivision (a) shall not preclude a public agency from providing additional notice by other means if such agency so desires, nor shall the requirements of this section preclude a public agency from providing the public notice required by this section at the same time and in the same manner as public notice otherwise required by law for the project.

The City complied with these noticing requirements by publishing a notice regarding the availability of the Draft PEIR in the Saddleback Valley News. In addition, the City provided both notice and the DPEIR on the City’s website and at local public libraries and City Hall. Direct mailing is only one of the options available to Lead Agencies when providing notice to the public. CEQA allows cities to choose one of three methods for the required public notice.

The City did not notify the residents of Portola Hills, or any other property owners adjacent to the project sites, via direct mailing. However, the City did exceed the statutory requirements of CEQA when providing public notice of the Public Scoping Meeting and Draft PEIR. Information was posted on a

dedicated website, mailed and e-mailed to the Opportunities Study interest list, and directly mailed to those who requested copies during the review of the Notice of Preparation.

Many City residents have been involved in the three year planning effort. Residents were involved on the Public Education and Outreach Program which took place in the summer of 2005. Some residents have attended and spoke at the over 20 public meetings on the Opportunities Study; and all residents have received the City's quarterly newsletter, "The Leaflet", which has featured numerous stories on the Opportunities Study.

The Opportunities Study was initiated to ensure the well-planned completion of development within the City. The project has comprised nearly four years of methodical planning with more than twenty public meetings, workshops and hearings, and public outreach including:

- August 6, 2002- City Council authorizes start of Opportunities Study
- September 17, 2002 – City Council authorizes release of RFP for consultants
- November 19, 2002 – Phase 1 Consultant Hired
- May 20, 2003 – Phase 1 Conclusions and Recommendations Report to City Council
- June 3, 2003 – Phase 2 Commences, City Council adopts project objectives and authorizes MOU with participating landowners
- August 19, 2003 – Phase 2 Technical Consultants Hired
- September 11, 2003 – Planning Commission reviews public facilities site selection criteria
- September 17, 2003 – Community Workshop on Public Facilities
- September 30, 2003 - City Council reviews public facilities site selection criteria
- October 21, 2003 – Informational update provided to City Council
- January 27, 2004 – Phase 2 Public Workshop
- March 30, 2004 – Phase 2 Conclusions and Recommendations Report to City Council
- May 4, 2004 – Phase 3 Commences, City Council authorizes MOU with participating landowners
- May 27, 2004 – Presentation to Planning Commission
- June 1, 2004 – City Council approves Contracts & RFPs for Phase 3
- July 7, 2004 – Draft PEIR Notice of Preparation Issued

- August 3, 2004 – Draft PEIR and GPA Consultant Hired
- August 11, 2004 – Draft PEIR Public Scoping Meeting
- August 19, 2004 – Presentation to Parks and Recreation Commission
- April 19, 2005 – Public Education and Outreach Consultant Hired
- August 10, 2005 - Dedicated Opportunities Study Website Launched
- May 24, 2005 – Workshop on Traffic Analysis and Public Facilities Funding
- January 31, 2006 – Draft PEIR Released for 45-day Public Review
- March 15, 2006 – Open House
- March 15, 2006 - Draft PEIR Review Period extended to March 27, 2006
- March 27, 2006 - Draft PEIR Public Review Period Closes
- January 2007 – Portola Hills Ad Hoc Committee

Following receipt of all DEIR comment letters and additional inquiries from the Portola Hills Community, an Ad Hoc Committee was formed consisting of: the Mayor, City Staff, Representatives from Portola Hills homeowner associations, Friends of Portola, and the developer/landowner. The Committee met three times during January 2007 to discuss the primary issues of concern to Portola Hills Residents: traffic, density, and schools.

The City held two community meetings prior to the public hearings on the Opportunities Study. The Community meetings were held in Portola Hills on March 31, 2008 and at El Toro High School on April 14, 2008.

8.2.2 Responses to Comments from Government Agencies and Nongovernment Organizations

This section contains responses to comments on the Draft EIR that were received from government agencies and non-governmental organizations. All of the original comment letters, in their entirety, are provided before the responses. Consistent with Sections 15088(a) and 15088(b) of the CEQA Guidelines, comments that raise significant environmental issues are provided with responses. Comments that are outside of the scope of CEQA review (i.e., where a comment does not raise an environmental issue, or where it expresses the subjective opinion of the commenter) will be forwarded for consideration to the decision-makers as part of the project approval process; these comments are

answered with the phrase, “Comment noted,” but no response is provided. All comments will be considered by the City when making a decision on the project.

The comments and responses are organized by acronym as shown in Table 8.2-13. For an alphabetical listing by agency see Table 8.1-1.

Table 8.2-13 List of Commenters on the Draft EIR Government Agencies and Nongovernmental Organizations (by Acronym)		
<i>Commenter</i>	<i>Comment Letter</i>	<i>Date</i>
Caltrans	CALT	3/23/2006
Caltrans	CALT2	3/29/2006
US Fish and Wildlife - Fish and Game	CDFG	3/17/2006
City of Irvine	COIR	3/27/2006
City of Laguna Woods	COLW	3/16/2006
County of Orange - Resources & Development Mgmt	COOR	3/27/2006
Public Utilities Commission	CPUC	3/22/2006
California Cultural Resource Preservation Alliance	CRPA	3/13/2006
Department of Toxic Substance Control	DTSC	3/16/2006
Endangered Habitats League	ENHL	3/27/2006
Hawkins, Robert (Golden Rain Foundation)	GRFO	3/27/2006
Irvine Ranch Water District	IRWD	3/27/2006
City of Mission Viejo	MIVI	3/28/2006
Orange County Fire Authority	OCFA	3/9/2006
County of Orange - Resources & Development Mgmt	RDMD	4/13/2006
SCAG	SCAG	3/17/2006
Irvine Ranch Water District - Loomis, Terrell	TELO	3/27/2006
Regional Water Control Board - Santa Ana	WQCB	3/20/2006

DEPARTMENT OF TRANSPORTATION

DISTRICT 12
3337 Michelson Drive Suite 380
Irvine, CA. 92612-8894

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MAR 29 2006

March 23, 2006

CALT

CITY OF LAKE FOREST
DEVELOPMENT SERVICES DEPT

Ms. Gayle Ackerman
Planning Director
City of Lake Forest
25550 Commercentre Drive
Lake Forest, CA 92630

File: IGR/CEQA
SCH#: 2004071039
Log #: 1433A
SR: SR-241, I-5, 405

FAX AND MAIL

Subject: Lake Forest Opportunities Study

Dear Ms. Ackerman,

Thank you for the opportunity to review and comment on the DEIR dated 01/31/06, for the Lake Forest Opportunities Study project. The project site is located north and south of the Foothill Transportation Corridor and adjacent to the former El Toro Marine base in the City of Lake Forest. The project consists of General Plan Amendment and Rezone of approximately 838 acres from all industrial/commercial to the addition of residential and mixed uses as well. The proposed Study considers development of: 5415 residential units, a public facilities overlay on Site 7, 50 acres of neighborhood parks, up to 45 acres of public facilities, and 648,720 sq. ft of commercial development. The primary State Route serving this development is the SR-241 tollroad, and the secondary State routes are I-5 and I-405 Interstates.

Caltrans District 12 status is a reviewing agency on this project and has the following comments:

1. During discussions with the City of Lake Forest, the Department (Caltrans) has indicated that we will discuss the environmental effects of this proposed project as a "Planning level effect" and that subsequent environmental reviews of the different Phases or specific developments within the Amendment/Rezone will be addressed as "Projects" for more specific environmental impact review. 1
2. The Department is requesting a copy of the proposed Lake Forest Traffic Mitigation Program (LFTM), mentioned in this DEIR, for review and comment. 2
3. The Department has requested City recognition of the role they need to play in maintaining and developing the regional transportation solutions needed to serve the demand that will be generated both by this General Plan Amendment/Zone Change, and their future long-term growth after build-out. As an initial step towards this partnership, the Department requests that the City include policies specifically in the Circulation Element of the General Plan and in the language of the newly created Lake Forest Traffic Mitigation Program (LFTM) stressing Caltrans early involvement in project and program development that have regional nexus or repercussions. They should address the fact that Caltrans has regulatory authority over certain types of development that may directly, or indirectly, impact State Transportation Facilities. They should also include language "that transportation information resulting from a reporting or monitoring program adopted by a public agency" be submitted to the Department when a project has impacts that are of statewide, regional, or area-wide significance. (Sec. 21087.7, Public Resources Code). 3

March 23, 2006
Page 2

- 4. Highway Capacity Manual methodology should be used to analyze the Freeway and Toll Road mainline including all interchanges for the AM and PM peak hour volumes to determine the significance of traffic impacts generated by the project.] 4
- 5. From our discussions, both the Department and the City of Lake Forest support the completion of Alton Parkway which would provide considerable interregional traffic improvement.] 5
- 6. We've noted some inconsistencies in the environmental document, and it was brought up in our discussions that we will forward them to you and to Terry Austin in another letter as informational at this time.] 6

If you have any questions or need to contact us regarding these comments, please do not hesitate to call me at (949) 724-2255, or Maureen El Harake at (949) 724-2086. Please continue to keep us informed of this project and other future developments, which could potentially impact our transportation facilities.

Sincerely,



Robert F. Joseph, Chief
IGR/Community Planning Branch

c: Terry Roberts, OPR
Terry Pencovic, HQ IGR/Community Planning
Raouf Mousa, Traffic Operations South
Forecasting/Modeling Unit
Praveen Gupta, Environmental Planning A
Lisa Ramsey, Ofc. Of Tollroad Oversight

■ **Response to Comments: CALT**

- RTC CALT-1 The commenter is correct. See Topical Response 2.
- RTC CALT-2 Caltrans will be provided with a copy of the LFTM, as requested.
- RTC CALT-3 The City's Circulation Element and LFTM Ordinance will be reviewed with the intent of adding the requested information, as appropriate. This comment is noted and transmitted through inclusion in the FEIR to the City's decision-makers for consideration.
- RTC CALT-4 Since this was not an operational study, the Highway Capacity Manual methodology was not used. The methodology and criteria that were used for this planning study are specified in the EIR.
- RTC CALT-5 This is correct. Comment noted.
- RTC CALT-6 No inconsistencies are identified in the referenced letter (see CALT2) that would change the conclusions of the analysis contained in the EIR.

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CITY OF LAKE FOREST
CITY CLERK'S OFFICE

DEPARTMENT OF TRANSPORTATION

DISTRICT 12
3337 Michelson Drive Suite 380
Irvine, CA. 92612-8894

'06 APR -4 P3:13



March 29, 2006

Ms. Gayle Ackerman
Planning Director
City of Lake Forest
25550 Commercentre Drive
Lake Forest, CA 92630

CALT2

File: IGR/CEQA
SCH#: 2004071039
Log #: 1433A
SR: SR-241, I-5, 405

Subject: Lake Forest Opportunities Study Inconsistencies Report

Dear Ms. Ackerman,

Per our comments on the DEIR dated 01/31/06, for the Lake Forest Opportunities Study project, we are listing some inconsistencies below we've noted in the DEIR, but preferred to forward to you as a side issue. The project site is located north and south of the Foothill Transportation Corridor and adjacent to the former El Toro Marine base in the City of Lake Forest. The project consists of General Plan Amendment and Rezone of approximately 838 acres from all industrial/commercial to the addition of residential and mixed uses as well. The proposed Study considers development of: 5415 residential units, a public facilities overlay on Site 7, 50 acres of neighborhood parks, up to 45 acres of public facilities, and 648,720 sq. ft of commercial development. The primary State Route serving this development is the SR-241 tollroad, and the secondary State routes are I-5 and I-405 Interstates.

Caltrans District 12 status was a reviewing agency on this project and has the following comments:

- 1. FIGURE 3.14-2 Existing circulation system with mid-block lanes. There appears to be contradiction between lane numbers on SR-241 on this figure and Table 3.14-3 on page 3.14-18. Please check and verify. 2
- 2. Page 3.14-14 The description of the existing following roadway network lane configuration is not consistent with Figure 3.14-2: 3
 - a) El Toro Road
 - b) Portola Road
 - c) Los Alisos Boulevard
- 3. The lane assumptions for the following mainline freeway and Toll Road links (Table 3-3) are incorrect: 4
 - a) I-5 n/o Lake Forest Table displays 8+2H in each direction while it is 5+1H with Collector Distributor Roads, transition lanes and HOV acceleration & deceleration lanes.
 - b) I-5 n/o El Toro Table displays 6+2H in each direction while it is 5+1H with auxiliary lanes and HOV acceleration & deceleration lanes.
 - c) I-5 n/o Alicia Table displays 4+1H in each direction while it is 5+1H.
 - d) There are 2 mainline through-lanes on SR-241 for the Southbound (SB) segments south of Lake Forest (instead of 3 lanes). Please revise.

March 29, 2006
Page 2

- 4. The Study Area failed to include I-5/Bake Parkway interchange. This interchange falls within the zone of influence of the proposed development and as such, a detailed analysis should be completed.] 5
 - 5. On-Ramps along the SR-241 Toll Road were assigned non-metered capacity. The analysis needs to be performed for the metered condition. Furthermore, storage capacity for adequate ramp metering needs to be analyzed for freeway and toll roads.] 6
 - 6. Traffic analysis for the project assumes full capacity for auxiliary lanes and collector distributor road lanes. Auxiliary and CD road lane capacity varies depending on distance between on and off ramps merge and weave conditions, and whether it continues through several interchanges. Some auxiliary lanes are intended to negate the impact of weave between the mainline and vehicles entering or exiting the freeway and as such they provide no additional capacity. This analysis needs to be re-visited in order to determine the level of service for each impacted location.] 7
 - 7. The 2030 AM/PM Peak Hour volumes should reflect the toll free scenario.] 8
 - 8. The traffic study needs to evaluate the commutative impacts of all developments in the area.] 9
- If you have any questions or need to contact us regarding these comments, please do not hesitate to call me at (949) 724-2255. Please continue to keep us informed of this project and other future developments, which could potentially impact our transportation facilities.] 10

Sincerely,



Robert F. Joseph, Chief
IGR/Community Planning Branch

C: Terry Roberts, OPR
Terry Pencovic, HQ IGR/Community Planning
Raouf Moussa, Traffic Operations South
Forecasting/Modeling Unit
Praveen Gupta, Environmental Planning A
Lisa Ramsey, Ofc. Of Tollroad Oversight

■ Response to Comments: CALT2

- RTC CALT2-1 This comment contains introductory or general information, is not a direct comment on the content or adequacy of the Draft EIR, and does not raise any specific environmental issue.
- RTC CALT2-2 Corrections so noted. The table reflects the recent widening of SR-241 while the referenced figure has not been updated to show the six lanes through the City of Lake Forest.
- RTC CALT2-3 Figure 3.14-2 shows the existing roadway system. However, the description on page 3.14-14 describes the roadway classifications as per the City of Lake Forest General Plan Circulation Element. In some cases, such as the roadways noted, the existing roadways are not built out to their full classification.
- RTC CALT2-4 Regarding comments on the lane assumptions:
- a. I-5 North of Lake Forest – The listed lanes include the collector distributor lanes.
 - b. I-5 North of El Toro Road – The listed lanes include the collector distributor lanes.
 - c. I-5 North of Alicia Parkway – Correction so noted. The lanes should be 5 + 1H in each direction.
 - d. SR-241 – Correction so noted for the segments south of Lake Forest (i.e., two lanes versus three lanes given in Table 3-3).
- RTC CALT2-5 The study area does in fact include the I-5/Bake Parkway interchange. Figure 1-2 on page 1-4 of the traffic study shows the intersections analyzed within the Lake Forest study area and those locations analyzed within the extended study area. The latter includes Bake Parkway.
- RTC CALT2-6 The performance criteria are clearly spelled out in the traffic study. The ramp capacity used for freeway and tollway ramps has been determined from work sessions with Caltrans District 12 and has been used consistently over the last several years for all studies involving freeway ramps.
- RTC CALT2-7 The performance criteria clearly spells out the capacity assumed for auxiliary lanes. These capacities were determined through work sessions with Caltrans District 12 and have been used consistently for traffic studies over the past several years.
- RTC CALT2-8 The City's traffic engineer disagrees that the analysis should reflect a toll-free scenario. Consistent with all transportation studies carried out by the Orange County Transportation Commission and by Caltrans, the year 2030 with toll is the horizon year for transportation studies in Orange County.

RTC CALT2-9 The traffic study does evaluate the cumulative impacts of all developments in the area (see discussion on methodology in the traffic study which noted the use of OCP-2030 demographic data in the analysis).

RTC CALT2-10 Thank you. The City will do so, as necessary.

CDFG



U.S. Fish and Wildlife Service
 Carlsbad Fish and Wildlife Office
 6010 Hidden Valley Road
 Carlsbad, California 92011
 (760) 431-9440
 FAX (760) 918-0638



CA Department of Fish & Game
 South Coast Region
 4949 Viewridge Avenue
 San Diego, California 92123
 (858) 467-4201
 FAX (858) 467-4299

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In Reply Refer To:
 FWS/CDFG-OR-4819.1

MAR 22 2006

Ms. Gayle Ackerman, Development Services Director
 City of Lake Forest, Development Services Department
 25550 Commercentre Drive
 Lake Forest, CA 92630

CITY OF LAKE FOREST
 DEVELOPMENT SERVICES DEPT
MAR 17 2006

Subject: Draft Environmental Impact Report for Lake Forest Opportunities Study Project,
 City of Lake Forest, Orange County (SCH# 2004071039)

Dear Ms. Ackerman:

The U.S. Fish and Wildlife Service (Service) and the California Department of Fish and Game (Department), hereafter collectively referred to as the Wildlife Agencies, have reviewed the above referenced Draft Environmental Impact Report (DEIR) for Lake Forest Opportunities Study Project, dated June 9, 2005. The DEIR was received on February 24, 2006.

The primary concern and mandate of the Service is the protection of public fish and wildlife resources and their habitats. The Service has a legal responsibility for the welfare of migratory birds, anadromous fish, and endangered animals and plants occurring in the United States. The Service is also responsible for administering the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 et seq.). The Department is a Trustee Agency and a Responsible Agency pursuant of the California Environmental Quality Act, Sections 15386 and 15381, respectively. The Department is responsible for the conservation, protection, and management of the state's biological resources, including rare, threatened, and endangered plant and animal species, pursuant to the California Endangered Species Act (CESA) and other sections of the Fish and Game Code. The Department also administers the Natural Community Conservation Planning (NCCP) program.

The proposed project includes a City of Lake Forest (City) General Plan Amendment (GPA) and Zone Change of 838 acres of vacant lands in the Project Area on seven parcels. The GPA would change the allowed land uses from industrial, agricultural, and commercial land uses to residential, commercial, public facilities, and mixed uses. The project parcels currently have approximately 9.8 million square feet of approved industrial and commercial development rights. The GPA and Zone Change consider development of 5,415 residential units on Sites 1 through 6 and a public facilities overlay on Site 7.

None of the sites of the proposed Project Area are within the reserve system of the Orange County Central and Coastal Subregion Natural Communities Conservation Plan/Habitat

TAKE PRIDE
IN AMERICA 

Ms. Gayle Ackerman (FWS/CDFG-OR-4819.1)

2

Conservation Plan (NCCP/HCP), and therefore, the development restrictions of the NCCP/HCP do not apply to the city owned land, nor that of the individual landowners. However, since the Project Area lies within the area of the NCCP/HCP, non participating landowners are provided with different mitigation options than those provided for participating landowners.

Nonparticipating landowners may satisfy the requirements of the FESA and CESA in relation to the species covered under the NCCP/HCP one of three ways: 1) on-site avoidance of take; 2) satisfaction of the applicable FESA and CESA regulations through the regular permitting and consultation process (outside the NCCP/HCP); or 3) payment of a mitigation fee to the nonprofit management organization established by the NCCP/HCP.

Site 1 (Shea/Baker Ranch) is made up of 387 acres of land within the western portion of the Project Area. The site contains five drainage courses and one wetland seep. Vegetation types found within Site 1 include coastal sage scrub (sagebrush-buckwheat series), chaparral (toyon-sumac series), mulefat scrub, southern willow scrub, annual grassland, needlegrass grassland, ruderal grassland, wetland seep, eucalyptus woodlands, orchards and avocado groves, disturbed or barren, nurseries, ornamental, and developed. The federally threatened coastal California gnatcatcher (*Polioptila californica californica*) and the state species of special concern Southern California rufous-crowned sparrow (*Aimophila ruficeps canescens*) were observed on-site. Nesting red-tailed hawks (*Buteo jamaicensis*) were observed within the eucalyptus woodlands in the northern portion of the site.

Site 2 (Portola Center) comprises 243 acres of land within the northeastern portion of the Project Area. The site contains approximately nine ephemeral drainages. Vegetation types found within Site 2 includes coastal sage scrub, mulefat scrub, annual grassland, oak sycamore riparian woodland, needlegrass grassland, ruderal grassland, disturbed or barren, ornamental, and developed. In the summer of 2005, eight pairs of coastal California gnatcatcher were observed. Site 2 contributes the only remaining low elevation wildlife linkage between the Central and Coastal NCCP/HCP reserve system and O'Neil Regional Park and the proposed habitat reserve for the southern Orange County NCCP/HCP subregion.

Site 3 (IRWD) comprises approximately 82 acres of land within the southern portion of the Project Area. The southern portion contains an ephemeral channel. Vegetation types found within Site 3 include coastal sage scrub, mulefat scrub, oak sycamore riparian woodland, annual grassland, ruderal grassland, eucalyptus woodlands, irrigated row crops, disturbed and barren, ornamental, and developed.

Site 4 (Baker Ranch) comprises approximately 50 acres of land within the eastern portion of the Project Area. The site has been significantly altered by mining activities and contains only very small areas of native habitats. Vegetation types found within Site 4 include disturbed and barren, ornamental, developed, nursery, open water, costal sage scrub (very low quality), and ruderal grassland.

Ms. Gayle Ackerman (FWS/CDFG-OR-4819.1)

3

Site 5 (Whisler/Greystone) comprises approximately 13 acres of land within the central portion of the City. Vegetation types found within Site 5 include disturbed and barren, developed, ruderal grassland, annual grassland, orchard, ornamental, and coastal sage scrub. The federally threatened coastal California gnatcatcher and the state species of special concern coastal cactus wren (*Campylorhynchus brunneicapillus couesi*) were observed on-site.

Site 6 (Pacific Heritage) comprises approximately 18 acres of land within the southern portion of the Project Area. There is an ephemeral stream channel that bisects the site from south to north and may have a seasonal wetland associated with it. Vegetation types found within Site 6 include sagebrush and sage scrub, mulefat scrub, sagebrush-grassland ecotone, southern cactus scrub, irrigated agriculture, ruderal, developed, and seasonal wetland (potential). The federally threatened coastal California gnatcatcher and the state species of special concern California cactus wren were observed on-site.

Site 7 (Nakase) comprises approximately 45 acres of 121 acres of land within the central portion of the Project Area; it is proposed for use as future public facilities. The site is entirely surrounded by industrial and commercial complexes. No native habitat remains onsite. Vegetation types found within Site 7 include disturbed and barren, developed, nursery, and ornamental.

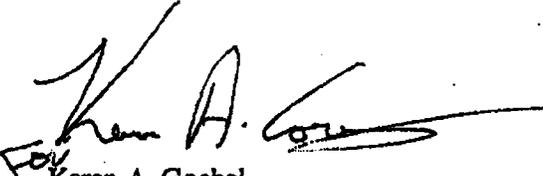
The Wildlife Agencies commend the City for including more open space, community park/open space and conceptual park locations in the GPA. However, the Wildlife Agencies strongly encourage the City to identify additional native/naturalized habitat for the eastern and southern boundary of Site 2. This would enhance the low elevation linkage between the Central and Coastal NCCP/HCP reserve system and O'Neil Regional Park and the proposed habitat reserve for the southern Orange County NCCP/HCP subregion. Movement serves to aid in the geographical distribution of genetic material and maintain a level of variability in the gene pool of a population. Influxes of wildlife from nearby populations contribute to the genetic diversity of a local population, helping ensure the population's ability to adapt to changing environmental conditions. Additionally, we encourage the inclusion of measures to allow wildlife to safely cross the road alignments. Use of bridges, undercrossings and overpasses, in concert with directional fencing, should be used to the extent feasible. These structures should be designed to encourage wildlife use and to minimize roadkill.

Ms. Gayle Ackerman (FWS/CDFG-OR-4819.1)

4

We appreciate the opportunity to comment on the DEIR for the Lake Forest Opportunities Study Project. If you have any questions regarding this letter, please contact Chris Medak of the Service at (760) 431-9440 or Leslee Newton-Reed of the Department at (858) 467-4281.

Sincerely,


FWS Karen A. Goebel
Assistant Field Supervisor
U.S. Fish and Wildlife Service


FWS Michael J. Mulligan
Deputy Regional Manager
California Department of Fish and Game

cc: State Clearinghouse, Sacramento, CA

■ Response to Comments: CDFG and USFWS

RTC CDFG-1 The comment provides an overview of the regulatory jurisdiction and authority of the U.S. Fish and Wildlife Service and the relationship of the proposed OSA project to the Orange County Central and Coastal Subregion Natural Communities Conservation Plan/Habitat Conservation Plan (“NCCP”). The comment identifies the means by which non-participating landowners whose property lie within the NCCP may satisfy the requirements of the State and Federal Endangered Species Acts in relationship to species covered by the NCCP. The three means are: (1) on site avoidance of take of a listed species; (2) satisfaction of the applicable permitting and/or consultation processes provided for under the State and Federal Endangered Species Act outside of the ambit of the NCCP; or (3) payment of a mitigation fee established by the NCCP. The comment then goes on to describe the various sites comprising the OSA properties.

The OSA Draft EIR provides an overview of the NCCP in Section 3.4.7 (Planning and Regulatory Framework) and how it identifies measures to reduce impacts to coastal sage scrub habitat and NCCP covered species (see OSA Draft EIR at 3.4-34 et seq.) Mitigation Measure 3.4-1 provides that if sensitive species or habitats are documented on a site within the OSA, and the species and/or habitat is covered by the NCCP, that the development applicant shall comply with the applicable requirements of the NCCP. Mitigation Measure 3.4-2 identifies as mitigation the payment of the mitigation fee established by the NCCP to mitigate impacts to species covered by the NCCP – the third measure identified by the U.S. Fish and Wildlife Service in its comments. Mitigation Measure 3.4-2 also requires compliance with NCCP construction impact avoidance measures at the time of project construction. For species not covered by the NCCP, Mitigation Measure 3.4-3 identifies compliance with the requirements of the permitting and consultation provisions of the State and Federal Endangered Species Act as a means of mitigating this impact – consistent with the second measure identified by the U.S. Fish and Wildlife Service in its comments. In conclusion, the OSA Draft EIR recognizes and acknowledges the NCCP and incorporates the measures identified in the NCCP to address covered and non-covered species as mitigation measures consistent with the comments of the U.S. Fish and Wildlife Service.

RTC CDFG-2 The comment encourages the City to consider identifying additional native/naturalized habitat for the eastern and southern boundary of Site 2 (Portola Center) to enhance linkage between the NCCP Reserve and O’Neil Regional Park and to provide measures to allow wildlife crossing.

As this is a programmatic document, the location and size of any open space within Site 2 and wildlife crossing measures will be identified, discussed, and analyzed within the project-level environmental document for any future project that is proposed on the site.

COIR



Community Development Department

www.ci.irvine.ca.us

City of Irvine, One Civic Center Plaza, P.O. Box 19575, Irvine, California 92623-9575 (949) 724-6000

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MAR 30 2006

**CITY OF LAKE FOREST
DEVELOPMENT SERVICES DEPT**

March 27, 2006

Ms. Gayle Ackerman, AICP
Director of Development Services
City of Lake Forest Development Services Department
25550 Commercentre Drive, Suite 100
Lake Forest, CA 92630

**SUBJECT: DRAFT ENVIRONMENTAL IMPACT REPORT (EIR):
LAKE FOREST OPPORTUNITIES STUDY PROGRAM**

Dear Ms. Ackerman:

The City of Irvine has reviewed the Draft EIR for the proposed Lake Forest Opportunities Study Program. Based on its review, the City of Irvine has the following comments:

Agricultural Resources

- 1. The Draft EIR fails to acknowledge that 90 acres have been designated as "Agriculture" in the Great Park Land Use Plan. The Draft EIR fails to discuss potential impacts relating to the viability of long-term agricultural use pursuant to the Great Park Land Use Plan adjacent to residential uses within Site 1.

Air Quality

- 2. Impact 3.3-3, pg 3.3-23: The version of the URBEMIS model used in the DEIR is outdated. The current version of URBEMIS is 8.7. It is important to use the latest version of the URBEMIS emissions inventory model because there have been changes to the methodology and emission rates. The current version of the URBEMIS model will produce different emissions estimates than the outdated version used in the DEIR. The

Ms. Gayle Ackerman
 March 27, 2006
 Page 2 of 4

- DEIR needs to implement the current version of the emissions inventory model.] 2
3. Impact 3.3-3, pg 3.3-23: The impact threshold identified in this impact statement asks if the project would expose sensitive receptors to substantial pollutant concentrations. The SCAQMD thresholds identified under this impact statement are regional emissions thresholds in pounds per day emitted within the South Coast Air Basin and are not concentrations. Concentrations are defined as mass per unit volume of air. Impact 3.3-2, on page 3.3-19, identifies localized concentrations of carbon monoxide and aptly applies to this threshold question, while the impact threshold under 3.3-2 aptly applies to the air quality standard, in pounds per day, identified by the SCAQMD. The impact analysis under each impact threshold needs to be revised to reflect the correct threshold question asked in the respective threshold statement. In addition, Table 3.3-8, Summary of Impacts, on page 3.3-30, and Table ES-2, Summary of Environmental Effects and Mitigation Measures, needs to reflect these changes and revised significance findings.] 3
4. Appendix D Air Quality: Appendix D needs to provide the emission factor output used in the CO hotspot modeling.] 4
5. Appendix D Air Quality: Based on Appendix D of the EIR, the carbon monoxide analysis did not follow methodology established by Caltrans' Transportation Project Level Carbon Monoxide Analysis Protocol. The protocol established by Caltrans provides updated methodology and guidelines for the quantification of potential CO impacts. The Caltrans protocol establishes sensitive receptor locations 10 feet (3 meters) from the edge of the roadway and not 25-100 feet as used in the analysis within the DEIR. The closer the sensitive receptor locations to the congested roadways, the higher the concentrations of carbon monoxide. Modeling of sensitive receptors 25-100 feet away from roadways does not represent the worst-case potential CO exposures from people 10 feet from congested roadways such as people waiting for buses or people at the front yards of their residences. As such, the DEIR analysis did not evaluate the worst-case as required under the Caltrans' protocol.] 5
6. Appendix D: (In text: Impact 3.3-3, Table 3.3-7, pg 3.3-25): Air quality modeling for the project changed the default summer temperature from 90°F and used a summer temperature of 75°F. While the Western Regional Climate Center for the Tustin Irvine Ranch Monitoring Station shows the average annual high around 75.6°F, the average summer temperatures are substantially higher than the average annual temperatures, which include maximum winter, fall and spring months. According to the Tustin Irvine Ranch Monitoring Station, average] 6

Ms. Gayle Ackerman
 March 27, 2006
 Page 3 of 4

maximum temperatures during the summer months range from 79.0°F to 85.5°F. As the maximum average summer temperature reaches as high as 85.5°F in the month of August in the project vicinity, a temperature of 85°F would better reflect worst-case summer emissions.

6

7. Impact 3.10-4, page 3.10-16: The DEIR's evaluation of cumulative traffic noise identified significant noise impacts due to substantial noise increases at eight locations. In response to this significant cumulative noise impact, the DEIR states on page 3.10-20, "Therefore, given the potential for a significant impact, MM 3.10-2 shall require further CEQA review with the submittal of each area plan or tentative map for the Proposed Project, reducing this potential impact at the program stage to a less-than-significant level." The finding of less than significant cumulative noise impacts is based on mitigation measure 3.10-2 which states, "Prior to issuance of a Site Development Permit and/or Use Permit for site-specific developments within the Project Area, the City shall conduct a tiered site-specific analysis under CEQA to determine whether the individual project will expose sensitive receptors to either a substantial increase in ambient noise resulting from increased traffic volumes generated by that project or excessive groundborne vibration or groundborne noise levels. Where significant impacts are identified, appropriate mitigation shall be required." This mitigation measure requires an analysis at an individual project level. This individual project level analysis would not change the finding of a CUMULATIVE noise impact that was already identified in the DEIR. The DEIR identified a cumulative noise impact from all individual projects that comprise the City of Lake Forest Opportunities Study Program EIR and this finding would not change when the noise study focuses on cumulative impacts associated with individual components of the project. In addition, mitigation measure 3.10-2 states that if impacts occur, "appropriate mitigation shall be required". This mitigation measure calls for other non-specified mitigation measures that do not ensure that significant cumulative noise impacts would be avoided.

7

Traffic/Transportation

8. We note that the LFTM Program has been included as part of your project description and has been referenced in the traffic section of the EIR. Please explain how LFTM works, what its purpose is, and how it will achieve that purpose. In addition, please confirm that any traffic improvements installed pursuant to the LFTM Program will be subject to separate environmental analyses, as more details concerning the specifics of those improvements become known.

8

Ms. Gayle Ackerman
March 27, 2006
Page 4 of 4

Thank you for the opportunity to review the Draft EIR for the proposed Lake Forest Opportunities Study. The City of Irvine looks forward to continuing to work with your city as this project moves forward, particularly regarding the relationship between the proposed Lake Forest Transportation Mitigation Program and the City of Irvine's North Irvine Transportation Mitigation Program.

Please feel free to contact Barry Curtis, Principal Planner, at (949) 724-6354 or bcurtis@ci.irvine.ca.us if you have any questions or comments regarding this matter.

Sincerely,



TINA CHRISTIANSEN, AIA
Director of Community Development



MARTY BRYANT
Director of Public Works

cc: Sean Joyce, City Manager
Brian Fisk, Manager of Planning Services
Manuel Gomez, Deputy Director of Public Works
Barry Curtis, Principal Planner
Jon Toolson, City Project Development Administrator
Kerwin Lau, Supervising Transportation Analyst
Amy Mullay, Associate Planner
Lisa Thai, Associate Transportation Analyst

■ Response to Comments: COIR

RTC COIR-1 As shown in Figures 2-3 and 2-4 in the Draft PEIR, there is no change in land use designation for the portion of Site 1 that abuts the 90 acre portion of the Great Park that the commenter references.

It is unclear from the comment, why the commenter believes that a change in land use on the remainder of Site 1 from non-residential to residential would be more likely to affect the viability of agricultural uses on the 90 acre agricultural portion of the Great Park referenced, than uses allowed under the City's existing General Plan.

RTC COIR-2 The commenter is noting that a version of URBEMIS prior to version 8.7 was used for the Draft PEIR. While the commenter is correct, URBEMIS version 7.5, which is the version used for the Draft PEIR, was the latest available model at the time the analysis in the Draft PEIR was being performed. The major changes to URBEMIS version 8.7 include residential land use screens being modified to include acreage, residential trip rates being based on ITE trip generation rates and project density values, revised area source and operational mitigation measures being incorporated into the model, the area and operational mitigation measures now being based on the latest research on applicable mitigation measures, natural gas fired stoves and architectural coating emissions being added to the area source emission module of URBEMIS, and the output report now includes a time and date stamp and detailed information about each mitigation measure selected by the user. The only one of these updated characteristics would have an affect on the analysis is the update to residential trip rates being based on ITE trip generation rates and project density values. However, as these values were changed using trip generation rates from the traffic study, which are based on ITE trip generation rates and project density values, this would not affect the output of the URBEMIS model. Therefore, use of URBEMIS version 7.5 is considered sufficient for this analysis. No further response is required.

RTC COIR-3 Both the State and the Federal government have promulgated air quality standards. The SCAQMD has developed significance thresholds in order to determine whether a project results in air quality impacts. (See: <http://www.aqmd.gov/ceqa/handbook/signthres.doc>). Impact 3.3-2 asks whether the project would result in the violation of an air quality standard. The analysis then looks at whether the project would result in or contribute to the exceedance of either the State of Federal ambient air quality standard for CO. Impact 3.3-3 analyzes whether the project would result in an exceedance of SCAQMD's emissions thresholds.

Text Changes

The impact statements have been modified for purposes of clarification, as follows: On page 3.3-19 of the Draft PEIR and in the Table ES-2:

Impact 3.3-2 ~~Development under the Proposed Project would violate an air quality standard or contribute substantially to an existing or projected air quality violation.~~ Development under the Proposed Project would not expose sensitive receptors to substantial pollutant concentrations in

violation of an air quality standard (CO) or contribute substantially to an existing or projected air quality violation (CO).

In addition, the following impact statement has been modified on page 3.3-23 of the Draft PEIR and in Table ES-2:

Impact 3.3-3 ~~Development under the Proposed Project would not expose sensitive receptors to substantial pollutant concentrations by causing the emission of identified pollutants in excess of the pounds per day or tons per quarter standards established by SCAQMD. Development under the Proposed Project would result in emissions of identified pollutants in excess of the pounds per day or tons per quarter thresholds established by the SCAQMD.~~

These changes do not change the conclusions of the Draft PEIR.

- RTC COIR-4 The commenter is stating that emissions factors need to be provided in Appendix D for CO hotspot modeling. Emissions factors are shown on each page of the CO hotspot analysis in Appendix D under column C of “Roadway CO Contributions and Concentrations”.
- RTC COIR-5 The commenter is noting the Draft PEIR used a methodology different from the Caltrans Transportation Project Level Carbon Monoxide Protocol, which includes the use of the CALINE4 model. The use of the BAAQMD’s simplified CALINE4 screening procedure is a SCAQMD-accepted method of evaluating localized CO concentrations. The BAAQMD’s simplified CALINE4 screening procedure calculates emissions based on individual vehicle counts, which is an accurate means of estimating localized CO concentrations. Use of the simplified CALINE4 screening procedure was confirmed on July 19, 2005 in a telephone conversation with Steve Smith, Ph.D., the SCAQMD’s Program Supervisor for the CEQA Section. According to Dr. Smith, use of the BAAQMD’s simplified CALINE4 screening procedure is acceptable to the SCAQMD, providing that current emission factors are used and the roadway and traffic data is supported by information in a technical traffic study. In the case of the proposed project, the emission factors used in the analysis were updated to EMFAC2002 by the EIR consultant prior to the preparation of the Draft. The roadway and traffic data used as inputs to the screening procedure were obtained from the Traffic Study, which is included as Appendix I to the Draft PEIR. Based on this information, the analysis presented in the Draft PEIR addresses the commenter’s concerns regarding the use of the BAAQMD’s simplified CALINE4 screening procedure. Because the emissions calculated by the screening procedure are based on worst-case assumptions and are well below national and State standards, a detailed analysis of localized CO concentrations using the Caltrans methodology would not be necessary to evaluate the impacts of the proposed project. In addition, maximum one-hour and eight-hour CO concentrations were calculated for representative receptors located 25, 50, and 100 feet from each roadway. These distances were selected because they represent locations where a person may be living or working for more than one or eight hours at a time. No further response is required.

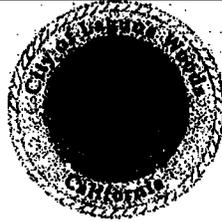
RTC COIR-6 The commenter is noting that the default that the default summer temperature was changed from 90°F to 75°F, which is the average annual high, whereas the Tustin Irvine Ranch monitoring stations show average maximum temperature during the summer months ranging from 79°F to 85.5°F. The calculations have been altered to reflect the change back to the default of 90°F, which is the worst case scenario. This will not change impact conclusions contained the Draft PDEIR, impacts are already identified as significant and unavoidable.

Text Change

The operational calculations contained in Appendix D have been replaced with corrected calculations for the summer months.

RTC COIR-7 See RTC ELWA2-24.

RTC COIR-8 The LFTM is described more fully in Chapter 5 of the Traffic Report for the project, contained in Appendix I of the PEIR. The LFTM is designed to address impacts of 2030 build-out of the City, with the proposed project. It also addresses anticipated deficiencies, given the existence of unfunded MPAH improvements. The LFTM Ordinance establishes a fee which the Opportunities Study landowners would be required to pay. This funding would be used for the specified improvements. If those improvement have the potential to create significant impacts, those impacts would be evaluated prior to issuance of construction contracts for those improvements, as required by CEQA.



CITY of LAGUNA WOODS

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CITY OF LAKE FOREST
DEVELOPMENT SERVICES DEPT

Robert Boner
Mayor

March 15, 2006

COLW

Milt Robbins
Mayor Pro Tem

Gayle Ackerman, AICP
Director of Development Services
City of Lake Forest --
25550 Commercenter Drive, Suite 100
Lake Forest, CA 92630

Bert Hack
Councilmember

Bob Ring
Councilmember

Brenda B. Ross
Councilmember

Leslie A. Keane
City Manager

RE: Lake Forest Opportunities Study-Draft Environmental Impact Report

Dear Ms. Ackerman:

The City of Laguna Woods would like to thank you for the opportunity to comment on the Lake Forest Opportunities Study Draft Environmental Impact Report. The City of Laguna Woods offers the following comments:

Transportation and Circulation:

The City of Laguna Woods has concerns over regional development patterns that effect roadway capacity (ADTs) and intersection levels of service (LOS) within the City of Laguna Woods. To aid in the environmental review process, I offer the following specific transportation comments:

1. We recognize that the intersection analysis utilized in the extended study area does not show a significant change between the existing General Plan and proposed amendment. It is; however, unclear from the analysis whether or not the LFTAM has been recently updated to reflect the established land use patterns in the City of Laguna Woods General Plan adopted in October 2002.] 1
2. The extended study area begins to look at some of the cumulative intersection impacts within our City, but is limited to intersection analysis, which may or may not be correct based on comment 1 above. The analysis in the extended study area should also address ADTs on roadways and distribution patterns.] 2
3. The study should also provide an analysis and discussion of distribution patterns in the extended study area as well as an impact analysis on roadway sections should portions of the MPAH never be constructed. It is unclear at this time whether the Ridge Route or Santa Maria extensions will ever be constructed. If not, the traffic patterns and intersection service levels may be dramatically different.] 3

Hydrology and Water Quality:

1. Stormwater runoff and water quality issues are becoming more and more a multi-jurisdictional issue. As a copermittee within the project watersheds, the City of Laguna Woods understands the importance of the site-specific BMPs and mitigation measures associated with individual site development. There is also a need to look at larger watershed cumulative impacts and opportunities for regional mitigation. The City would recommend that in addition to incremental site-specific mitigation, an analysis be done in the EIR for the feasibility of any of the proposed sites for regional treatment BMPs. In the early land use planning stages, there may be opportunities to address the increases in impervious surface areas associated with new development as well as treatment of existing runoff within the watersheds. As the land use pattern becomes fixed and larger tracts of land are developed, opportunities for regional stormwater runoff treatment BMPs become less viable. 4

2. The discussion on flooding addressed issues of 100 and 500 year flood events in the project area and within the existing flood control channel. The analysis does not address downstream impacts that might result from the increased flows resulting from increases in impervious surfaces as a result of new development. Analysis should look at downstream capacity and net drainage impact to Aliso Creek and other downstream drainage and flood control facilities. 5

If you have questions or need clarification on any of the comments above, please contact me at 949-639-0521.

Sincerely,



Mr. Lauren Barr, Community Development Director

CC: File

■ Response to Comments: COLW

RTC COLW-1 The LFTM analysis uses the year 2030 OCP-2004 demographic projects maintained by the County. These projections do not include the City's October 2002 General Plan amendment. After discussing the issue with the City of Laguna Woods it was determined that the following "sensitivity" analysis would be conducted to determine if the absence of this information would alter the conclusions of the traffic study summarized in the Draft PEIR. The following summarizes the results of the sensitivity analysis conducted to evaluate the potential effects of updated information provided by the City of Laguna Woods relative to the Draft Program Environmental Impact Report (Draft PEIR).

The version of the Lake Forest Traffic Analysis Model (LFTAM) that was applied in the Draft PEIR traffic study utilized the Orange County Projections - 2004 (OCP-2004) data set that was available at the time that the traffic study was initiated. In August 2005 the City of Laguna Woods submitted a modified set of OCP-2004 employment projections to the Orange County Transportation Authority (OCTA) for incorporation into the Orange County Transportation Analysis Model (OCTAM). The modified projections increase the amount of future employment growth that is forecast to occur in the City of Laguna Woods by the following amounts:

<i>Timeframe</i>	<i>Retail Employment</i>	<i>Service Employment</i>	<i>Other Employment</i>	<i>Total Employment</i>
Year 2030	346	82	212	640

To evaluate the potential effect of this added employment growth in Laguna Woods on the findings of the project traffic study, a sensitivity analysis of with-project conditions with the added Laguna Woods employment growth was conducted for the following intersections:

- Intersection 130 – Ridge Route & Moulton
- Intersection 37 – Paseo de Valencia at Avd Carlota
- Intersection 131 – Santa Maria & Moulton
- Intersection 144 – El Toro & Paseo de Valencia
- Intersection 132 – El Toro & Moulton

Table 1 summarizes 2030 average daily traffic (ADT) volumes, for arterial roadways in the City of Laguna Woods with and without the additional OCP-2004 employment growth. Table 2 summarizes the corresponding AM and PM peak hour intersection capacity utilization (ICU) values and LOSs for arterial intersections in the City of Laguna Woods.

According to the Draft PEIR, the only location significantly impacted by the proposed project is Paseo De Valencia at Avenida de la Carlota, which as can be seen here, is unaffected by the increased employment. Improvements to this intersection are

included in the LFTM as shown in Draft PEIR Table 3.14-15. As a result project impacts are less than significant. Other locations with or without Laguna Woods employment did not meet the significance threshold for project impacts.

<i>City of Laguna Woods Arterial Roadway</i>	<i>Scenario</i>	<i>Without Added Laguna Woods Employment</i>	<i>With Added Laguna Woods Employment</i>
El Toro Road east of Moulton Parkway	With-Project	40,000	42,000
El Toro Road west of Moulton Parkway	With-Project	33,000	36,000
Moulton Parkway south of Ridge Route Drive	With-Project	57,000	58,000
Moulton Parkway south of Santa Maria Avenue	With-Project	53,000	55,000
Moulton Parkway south of El Toro Road	With-Project	55,000	56,000
Paseo de Valencia south of El Toro Road	With-Project	39,000	40,000
Santa Maria Avenue west of Moulton Parkway	With-Project	11,000	12,000

<i>City of Laguna Woods Intersection</i>	<i>Without Laguna Woods Employment</i>				<i>With Laguna Woods Employment</i>			
	<i>AM Peak Hour</i>		<i>PM Peak Hour</i>		<i>AM Peak Hour</i>		<i>PM Peak Hour</i>	
	<i>ICU</i>	<i>LOS</i>	<i>ICU</i>	<i>LOS</i>	<i>ICU</i>	<i>LOS</i>	<i>ICU</i>	<i>LOS</i>
Ridge Route & Moulton	.63	B	.76	C	.64	B	.77	C
Paseo de Valencia at Avd Carlota	.62	B	1.05	F	.62	B	1.05	F
Santa Maria & Moulton	.95	E	.89	D	.95	E	.90	D
El Toro & Paseo de Valencia	.65	B	.64	B	.65	B	.66	B
El Toro & Moulton	1.06	F	1.03	F	1.07	F	1.05	F

The ADT and peak hour results summarized here for the sensitivity analysis based on the added OCP-2004 employment growth in the City of Laguna Woods indicate that traffic levels on the City of Laguna Woods arterial roadway system are higher with the added employment growth, but that the added employment does not result in any additional project impacts or the need for additional project mitigation measures.

RTC COLW-2 See RTC COLW-1. Projected ADT values for roadway segments were used as an input to the noise analysis. No evidence of the need for a link type analysis was identified as part of the development of ADT values for the noise analysis. Since

intersection functioning is generally the bottleneck in the functioning of roadways an intersection analysis was done. In addition a freeway mainline analysis was prepared, as a link analysis is more appropriate for a roadway with no intersections.

RTC COLW-3 The project scenario included only funded portions of the MPAH.

RTC COLW-4 This comment discusses the need to look at large watershed cumulative impacts and opportunities for regional mitigation. The commenter also recommends that the City of Lake Forest analyze the feasibility of regional treatment BMPs. Regional treatment strategies and BMPs for stormwater runoff and water quality issues are not identified by the City of Lake Forest at this time. The Proposed Project includes potential development of several noncontiguous properties in three watersheds/subwatersheds. Consequently, implementation of site-specific BMPs and treatment strategies is both practicable and efficient for minimizing potential impacts that might be associated with the Proposed Project. Development of a regional approach is not within the scope of the project or an obligation of the City. Site specific measures will benefit the regional watershed. It is noted that there may be an opportunity to evaluate the feasibility of regional best management practices (RBMPs) in the future. See also Topical Response 3.

RTC COLW-5 The comment asserts that the Draft PEIR analysis does not address the potential downstream flood and drainage impacts within Aliso Creek by the proposed changes in land use (increased impervious area). Runoff coefficients are used to apportion the amount of precipitation that will runoff the land. The Draft PEIR analysis approximated potential effects of land use changes on runoff by comparing existing runoff coefficients with Proposed Project expected runoff coefficients (Table 3.8-2) for each of the two watersheds, Aliso Creek and San Diego Creek, as well as for the combined effect.

Further analysis has been completed to separate out potential runoff changes to individual creeks in the San Diego Creek watershed (Serrano Creek and Borrego Canyon Wash) and composite runoff coefficients for all major drainages (Serrano Creek, Borrego Canyon Wash, and Aliso Creek) has been added to Table 3.8-1.

As illustrated in the original Table 3.8-2, based on information that is currently available, the approximate effects of changes in land use indicate that there will not be a net increase in stormwater runoff to Aliso Creek. As noted in the Draft PEIR (p. 3.8-25), "Relatively lower post-development runoff coefficients are due, in part, to grading landscaping, and potential effects of vegetative cover..."

The existing landscape consists of fairly steep, poorly-vegetated slopes with low infiltration soils. Consequently, estimations of existing runoff coefficients are fairly high; the potentially affected lands draining towards Aliso Creek already likely experience a high amount of runoff. Although development of a bare property will often increase the amount of imperviousness (and therefore, increase the potential for runoff) project development it also requires grade leveling, landscaping, and stormwater quality BMPs. Implementation of these features tends to reduce the amount of stormwater runoff, and in some cases, increases the amount of infiltration,

which offsets the potential increase in runoff because of more impervious surfaces. Additional text has been added to the Impact 3.8-1 discussion in order to clarify this situation.

Therefore, if there is no net increase in runoff to Aliso Creek, as estimated based on pre- and post-project runoff coefficients, there will be no impact on downstream capacity and no net drainage impacts to Aliso Creek. Furthermore, prior to site-specific development, project applicants are required to provide a detailed hydrology and hydraulics study that would identify potential impacts on peak flows and timing.

Please refer to mitigation measures MM 3.8-1 through MM 3.8-4, which provide mitigation strategies that address potential impacts on Aliso Creek drainage capacity. Additionally, mitigation measure MM 3.8-5 has also been added to assure that post-project runoff will not exceed existing conditions.

Draft PEIR Text Changes:

Change the first paragraph by splitting it in half and inserting the following text within the discussion, as follows:

Table 3.8-2 shows the percent Proposed Project change, from both existing conditions and the current General Plan, in runoff coefficient for each site. These values provide a relative indication of Proposed Project impact on runoff processes. Higher coefficients will likely mean greater runoff.

The existing landscape consists of fairly steep, poorly-vegetated slopes with low infiltration soils. Consequently, estimations of existing runoff coefficients are fairly high; the potentially affected lands already likely experience a high amount of runoff. Although development of a bare property will often increase the amount of imperviousness (and therefore, increase the potential for runoff), it also requires grade leveling, landscaping, and stormwater quality BMPs. Implementation of these features tends to reduce the amount of stormwater runoff, and in some cases, increase the amount of infiltration, which offset the potential increase in runoff because of more impervious surfaces. Therefore, post-project runoff coefficients are often lower than pre-project runoff coefficients.

The overall volume of runoff from sites 1, 4, and 7 are expected to be greater for the Proposed Project compared to existing conditions, but peak flow runoff is expected to remain the same through implementation of detention basins and other BMPs to avoid substantial increases in peak flow runoff. Overall runoff to the San Diego Creek and Aliso Creek watersheds will likely decrease from current conditions and the current General Plan. On an entire project basis, runoff will decrease when compared to existing conditions.

Add to the end of Section 3.8.7 (Mitigation Measures) on page 3.8-38, add the following mitigation measure:

MM 3.8-5 Prior to obtaining a grading permit, the applicant shall conduct a hydrology and hydraulics study to determine potential stormwater runoff rates and peak flows for the City of Lake Forest and County of Orange design storms, as well as the 100-year storm for both existing and Proposed Project conditions. Sufficient detail shall be provided to develop the existing conditions and Proposed Project conditions potential hydrograph and timing of peak flows. Studies shall be completed by a

qualified professional and be consistent with standard engineering practices for the region, such as use of the criteria of the Orange County Hydrology Manual. Furthermore, the effect of stormwater discharge to any City, County, or Other Agency-owned drainage or flood control facility shall be assessed and mitigation measured designed and implemented to prevent post-construction stormflows from exceeding pre-construction volumes and rates.



COUNTY OF ORANGE
RESOURCES & DEVELOPMENT MANAGEMENT DEPARTMENT

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COOR

NCL 06-009

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MAR 29 2006

March 27, 2006

CITY OF LAKE FOREST
DEVELOPMENT SERVICES DEPT

Gayle Ackerman, AICP
Director of Development Services
City of Lake Forest
25550 Commercentre Drive, Suite 100
Lake Forest, CA 92630

SUBJECT: DEIR for the Lake Forest Opportunities Study

Dear Ms. Ackerman:

The above referenced item is a Draft Environmental Impact Report (DEIR) for the City of Lake Forest. This project will re-designate seven parcels consisting of 838 acres of vacant land in the project area.

The County of Orange has reviewed the DEIR and offers the following comments:

TRANSPORTATION

- 1. The city's Opportunities Study analyzes both the existing and the Year 2030 "buildout" traffic conditions with no interim-year analysis. Due to long-term buildout characteristics of the proposed Project and unknown phasing of future development, we concur with this approach and that an interim year analysis would be highly speculative. The following review comments are based on County's perspective concerning FCPP roadway and intersection improvements within the City of Lake Forest.

} 1

ALTON PARKWAY

- 2. Limited information is included in the city's Opportunities Study concerning the implementation of Alton Parkway. Page 3.14-14 simply identifies Alton Parkway as an un-constructed six-lane divided Major Arterial Highway. Table 3.14-4 shows Alton Parkway as a "committed" project and would be in place by the year 2030. It also shows Foothill Circulation Phasing Plan (FCPP) as funding source, "administered by the County

} 2

and Measure M.” All Figures shown in the city’s Opportunities Study indicate that Alton Parkway will be constructed by the year 2030. It is reasonable to assume that Alton Parkway, therefore, is one of the city’s high priority projects over other FCPP intersection improvements identified within the city limits.

2

FCPP INTERSECTIONS

2. Table 3.14-13 shows all FCPP intersections located within the City of Lake Forest are currently operating at an acceptable level of service. This table also compares the Level of Service (LOS) between the “Existing Condition” and “2030 with Project,” which represents the worst-case scenario in the buildout year. The Study indicates the following FCPP intersections would experience a decrease in LOS in the buildout year of 2030.

3

	Existing AM/PM	Post 2030 AM/PM	
#17. El Toro & Trabuco		C/B	D/E
#25. El Toro & Jeronimo		B/B	E/E
#30. Los Alisos & Muirlands		C/D	E/F
#32. Ridge Route & Rockfield		A/A	C/F

3. Since Intersection Capacity Utilization (ICU) worksheets in Appendix I (CD ROM) do not include the actual ICU calculations, we are unable to verify the changes in the LOS for these intersections. In any event, the additional background and Project traffic generated beyond 2010 are not the obligation, nor part of the scope, of the original FCPP program. The FCPP intersection improvements were based on traffic projections for the built-out year of “Post-2010” using early OCTAM traffic forecast model.

4

4. Table 3.14-15 suggested a set of intersection improvements as part of the Lake Forest Traffic Mitigation (LFTM) program component of the project. The FCPP intersection of El Toro and Trabuco is among the 18 intersections listed in Table 3.14-15. The LFTM recommends adding “de facto NBR” and “de facto WBR” at this intersection. Since ICU calculations are not included in the Appendix I (CDROM), it is unclear how the “de facto” improvements will be implemented. Normally, “de facto” refers to a curb lane having 19’ or greater width that could be wide enough to accommodate an un-marked right turn lane. The Study needs to define how the proposed improvements will be implemented.

5

MITIGATION MEASURES

5. The Study states that “LFTM is a part of the project and implementation of the LFTM will ensure that the impacts of the proposed Project are less than significant and no mitigation measures are required.” With that being said, except for the intersection of El Toro and Trabuco, neither Alton Parkway nor any other FCPP intersections within the City limits are listed in the LFTM. The Study, however, lists Alton Parkway as a committed project in Table 3.14-4 and assumes the facility would be in place by buildout year 2030.

6

6. Based on our review of the City's Opportunities Study, we recommend that the Study include discussion on the implementation of Alton Parkway and acknowledge in the Study that the project has priority over all other FCPP projects within the city limits.] 7

FLOOD

7. No adverse impacts or worsening of existing conditions should result to County and Orange County Flood Control District (OCFCD) facilities as a result of proposed developments. The City of Lake Forest should ensure that impacts will be analyzed and mitigation measures proposed to ensure flooding potential will not be worsened, floodplains and/or flooding areas will not be shifted elsewhere and erosion will not be caused or worsened by the proposed projects.] 8
8. The DEIR should identify potential project impacts to County or OCFCD facilities and propose, in consultation with the County's Flood Control Division, appropriate mitigation measures that will need to be implemented for resolving any adverse project impacts to such facilities when the proposed developments are implemented.] 9
9. For regionally sized channels and in order to provide the needed flood control protection to the proposed developments, we request that the City condition developers to construct ultimate flood control improvements meeting OCFCD's standards and dedicate the necessary right-of-way to OCFCD.] 10
10. Intensification of land uses and resulting increases in impermeable areas beyond existing levels when combined with new or improved local drainage facilities are likely to result in higher than existing condition or previously planned discharges being delivered to downstream areas adjacent to or within floodplains, and those lacking adequate flood control/drainage facilities. Consequently, project implementation must include necessary hydrology and hydraulic studies to identify project impacts to downstream facilities and floodplain areas, and include appropriate mitigation measures to alleviate adverse impacts. Hydrology and hydraulic analyses must be consistent with the prevailing criteria of the Orange County Hydrology Manual (OCHM), Addendum No. 1 to the OCHM and the Orange County Flood Control Design Manual.] 11
11. The proposed land uses may increase the impervious areas and therefore result in higher discharges within the drainage subareas in the San Diego Creek Flood Control Master Plan (SDFCMP). Although these developments are a small portion of the drainage subareas, the City should ensure that the aggregate percentage of impervious areas within subareas does not exceed the percentages specified in the SDFCMP. This is necessary as a part of the City's role in ensuring that all land use approvals by the City are consistent with the SDFCMP's assumptions, otherwise downstream facilities which have already been constructed in conformance with the SDFCMP might be compromised.] 12

12. Improvement of deficient local drainage facilities to service proposed developments is likely to have the potential to deliver higher discharges to downstream areas with floodplains and deficient flood control facilities. Consequently, the City should ensure that impacts resulting from such actions are properly analyzed and mitigated to ensure flooding potential is not worsened or floodplains and flooding problems are not shifted elsewhere.] 13
13. The City, as the floodplain administrator, should ensure that floodplains are properly identified in project sites and structures within flood hazard areas will be located outside the 100-year floodplain in conformance with Federal Emergency Management Agency (FEMA) regulations. The City also needs to require FEMA Letters of Map Revision (LOMR) when grading or development will impact floodplains to ensure that changes to the floodplains are documented and reflected in FEMA's floodplain maps.] 14
14. Since the City is responsible for land use planning and development within its municipal limits, the City should review and approve all local hydrology and hydraulic analyses including the needed 100-year flood protection for proposed developments within the project areas. Proposed flood protection measures should not worsen existing conditions or move flooding problems downstream or upstream of proposed redevelopments.] 15
15. If channels within the planning areas are to remain natural, due to the meandering nature of natural channels, the developers need to consider bank protection and/or other flood control facilities to provide necessary protection against potential erosion/scouring and flooding for the proposed developments within the planning areas. It is desirable for OCFCD to own and maintain such channels if they are regional in terms of drainage area and provided that they are designed and constructed as ultimate channel facilities (including but not limited to necessary protection on both sides of the channel, grade stabilization, maintenance access, etc.) which meet OCFCD's standards and criteria. Any lesser level of improvements approved by the City as a part of their development processing should be accepted and maintained by the City.] 16
16. All work within, over and/or under OCFCD and County of Orange right-of-way should be conducted only after receiving an encroachment permit from the County. For information regarding County permit application process, Valerie Oxford of the RDMD/County Property Permits Section should be contacted at (714) 834-3474.] 17
17. The 3rd paragraph of the Sediment section on page 3.8-35 of the DEIR states that "in order to complement the project's goal of minimizing the impact on the existing Borrego Canyon Wash, as a part of the Proposed Project, an erosion resistant armor would be constructed along the portion of the Borrego Canyon Wash bordering the Shea-Baker Ranch development..." We believe the current proposal to only armor one side of the channel could adversely affect the opposite bank unless similar bank protection is provided on the opposite bank and sufficient analyses are conducted to ensure that any improvements will not result in worsened conditions elsewhere.] 18
18. The 3rd paragraph of the Sediment section on page 3.8-35 of the DEIR also states that "the Project itself will not contribute significant runoff into the Wash in the Shea/Baker] 19

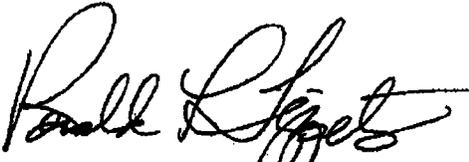
- Ranch area of the Wash that has been subject to significant erosion in the past as all Project runoff, including runoff from Alton parkway through Shea/Baker Ranch will be conveyed to a detention basin that will release runoff into the Wash at the southerly end of the Shea/Baker Ranch property near Commercentre Drive below the area where erosion has occurred in the past.” Although such a detention basin may mitigate increases in peak runoff, since the development will result in more runoff (increased volume), more frequent runoff, and less sediment laden runoff, the City needs to ensure that adequate analyses are conducted to verify that the development will not result in worsened erosion downstream of the project site. Otherwise, additional mitigation measures may be necessary. 19
19. The 3rd paragraph of the Sediment section on Page 3.8-35 of the DEIR fails to mention that the existing Borrego Canyon Wash adjacent to the Shea/Baker Ranch property has been relocated to a linear alignment through historical farming operations in the area. The relocation and straightening of the creek probably resulted in the steepening of the creek, and contributed to increased flow velocities and increased erosion along the Shea/Baker Ranch section of the creek. 20
20. Page 3.8-35, Footnote 9 to the Sediment section indicates that “during project design, OCFCD will be asked to approve appropriate material(s) for slope and bottom stabilization.” Unless the proposed improvements are revised to include protecting both sides of the creek, stabilize the invert, and meet OCFCD’s standards and criteria, OCFCD will not be involved in reviewing (or accepting) any improvements. Since the proposed improvements are within the City of Lake Forest, such improvements to protect the development should be reviewed and approved by the City of Lake Forest as a part of their development review process. 21
21. Page 3.8-35, Footnote 10 to the Sediment section indicates that “changes to the 100-year floodplain are expected to occur entirely within the Shea-Baker property.” We do not believe changes to the floodplain will only occur on the Shea/Baker Ranch property. If flooding used to occur on this site, we believe flooding may be shifted to the other side as a result of raising the site or constructing a flood wall along the Shea/Baker Ranch side of the creek. The City should require appropriate studies to be conducted to document such changes which may result from such development projects. 22
22. The 4th paragraph of the Sediment section on Page 3.8-35 of the DEIR states that the armoring along the Shea/Baker Ranch property “could potentially result in flows being channeled away from the armored side and towards the center of the Wash or the unarmored side, which is fairly protected due to the debris and vegetation that has lodged along that side of the bank.” Such debris and vegetation cannot be relied on to protect the opposite bank from potential future erosion and as stated previously, the channel should be improved to meet OCFCD’s standards and criteria including but not limited to improving both sides of the channel, stabilizing the channel grade, and providing for maintenance access to the channel. We believe the current proposal to only armor one side of the channel could adversely affect the opposite bank unless similar bank protection is provided on the opposite bank. 23

23. The last sentence of the Sediment section on Page 3.8-36 of the DEIR states that the proposed lining along the Shea/Baker Ranch property as well as the slope adjacent to the wash will be owned and maintained by either a public agency or private association (business or homeowners). As stated above, for regionally sized channels, we request that the City condition developers to construct ultimate flood control improvements meeting OCFCD's standards and dedicate the necessary right-of-way to OCFCD. The channel should be improved to meet OCFCD's standards and criteria including but not limited to improving both sides of the channel, stabilizing the channel grade, and providing for maintenance access to the channel. We do not believe that it is appropriate to expect a business or homeowners association to maintain regional flood control improvements. If OCFCD ownership of facilities is anticipated, discussions should start early in the development process to ensure that agreements are in place for the design, construction, and acceptance of such improvements.

24

Thank you for the opportunity to respond to the DEIR. If you have any questions, please contact Charlotte Harryman at (714) 834-2522.

Sincerely,



Ronald L. Tippetts, Chief
Environmental Planning Division

■ Response to Comments: COOR

RTC COOR-1 This comment is noted and transmitted through inclusion in the Final PEIR to the City's decision-makers for consideration. See also Topical Response 2.

RTC COOR-2 An EIR has been prepared for the Alton Parkway Project and approved by the Orange County Board of Supervisors. The final design of the Alton Parkway Project will establish the alignment for constructing a gap closure on Alton Parkway between Irvine Boulevard in the City of Irvine and Commercecentre Drive in the City of Lake Forest. The design for this segment of the Alton Parkway gap closure is anticipated to be completed in 2008, with construction occurring from Spring of 2009 to mid-2010. Other improvements, such as drainage facilities, flood control improvements, and an on-road bikeway would be implemented concurrently with construction of the roadway. According to the County of Orange: Alton Parkway was placed on the *County of Orange Master Plan of Arterial Highways (MPAH)* in 1981. It is designated as a Major Arterial Highway, which provides for a six-lane divided roadway. The segment of roadway that is the focus of the County's EIR represents a critical missing link in Orange County's MPAH. When completed, the roadway in its entirety would serve as a connection between SR-241 and Interstate 5 (I-5). It would serve the cities of Lake Forest and Irvine and provide regional traffic relief. Alton Parkway extends beyond I-5 and parallels Interstate 405 (I-405) almost to State Route 55 (SR-55) in the City of Santa Ana. West of SR-55, the roadway is not constructed as a continuous route.

Alton Parkway has been assumed as an integral part of the Orange County and regional circulation networks for many years. The segment of roadway addressed in the EIR under preparation by the County was a component of the 1988 Foothill Circulation Phasing Plan (FCPP). The FCPP was a program developed by the County and major landowners in southeast Orange County to ensure the timely completion of regional transportation improvements. Improvements to Alton Parkway have not been built due to a variety of factors, including the need to obtain right-of-way from the Navy for the portion of the roadway that traversed the former MCAS El Toro.

According to the County, the length of the proposed improvements from Irvine Boulevard to Towne Centre Drive is approximately 2.1 miles. Construction of the roadway could be initiated as early as summer 2008. The current phasing concept for the Alton Parkway gap closure is that all six lanes would be built in two phases. Construction of the roadway would be expected to take approximately one year. As previously indicated, construction of the portion of roadway from Irvine Boulevard to Commercecentre Drive would be the responsibility of the County. Shea-Baker Ranch Associates would construct the remaining portion to Towne Centre Drive in conjunction with its land development project. Construction of both sections would be expected to occur at approximately the same time.

RTC COOR-3 The summary of existing and post-2030 LOS at FCPP intersection is correct. The full list of intersections identified as impacted in Table 3.14-13 is given on pages 3.14-36 to 3.14-37 of the Draft PEIR.

RTC COOR-4 Copies of the ICU worksheet will be made available to Caltrans if so requested. This comment is noted and transmitted through inclusion in the Final PEIR to the City's decision-makers for consideration.

RTC COOR-5 In the Van Dell study, which is referenced in the PEIR and which is part of the LFTM, the specific improvements are detailed. The ICU Appendix to the Traffic Study defines de facto turn lanes as follows:

A "de-facto" right-turn lane is used in the ICU calculation for cases where a curb lane is wide enough to separately serve both through and right turn traffic (typically with a width of 19 feet or more from curb to outside of through-lane with parking prohibited during peak periods).

The appendix to the traffic study which includes the ICU values was inadvertently omitted from the CDROM. It is added in response to this comment.

Draft PEIR Text Changes:

ICU APPENDIX TO TRAFFIC STUDY ADDED TO APPENDIX I

RTC COOR-6 This is correct. The LFTM is part of the project.

RTC COOR-7 Comment noted. See RTC COOR-2. The City acknowledges that the FCPP designates Alton as an auxiliary improvement. The priority for FCPP improvements is established by the County of Orange as the administrator of the program.

RTC COOR-8 The Draft PEIR includes several mitigation strategies for reducing erosion; mitigation measures MM 3.8-1, M 3.8-2, and M 3.8-5 describe specific strategies for reducing runoff that would not adversely affect current erosion or water quality conditions. Please refer to additional discussion of BMPs that can be used to reduce site runoff, referenced on page 3.8-33-34. As stated on page 3.8-37, implementation of mitigation measures M 3.8-1 through M 3.8-4 would reduce potential Proposed Project impacts on water quality to less-than-significant levels. The addition of mitigation measure M 3.8-5 would assure that post-project stormwater runoff flows would not exceed existing conditions, which would prevent an increase in potential streambed and bank erosion. Therefore, the Draft PEIR analysis and mitigation of potential erosion and pollutant adverse impacts is adequate.

Topical Response 3 details standard conditions and Best Management Practices that will apply to the project.

In addition, as discussed in Topical Response 2, the OSA DEIR is a program-level EIR. In addition to these mitigation measures, it is anticipated that as specific development projects are brought forward, that site specific environmental review will be undertaken at which time site-specific drainage and water quality features that will be incorporated into the proposed development will be analyzed and the impacts of project-specific runoff and hydrology will be analyzed to determine if additional

mitigation measures are required to mitigate potential flooding and water quality impacts to less than significant.

- RTC COOR-9 No impacts are anticipated. The mitigation measures included in the PEIR will ensure that post-project runoff does not exceed existing conditions.
- RTC COOR-10 The City's standard conditions of approval require project applicants to construct ultimate flood control improvements meeting OCFCD's standards and to dedicate the necessary right-of-way to OCFCD. As individual projects are proposed, the City will analyze those projects to ensure that potential flood and water quality impacts are mitigated to less than significant and that appropriate mitigation measures and conditions of approval are imposed. In accordance with the City's conditions of incorporation, development adjacent to Borrego Canyon Wash will be conditioned to provide the necessary right-of-way and improvements to meet the OCFCD requirements. It is further anticipated that OCFCD will provide input on its requirements for right-of-way and improvements to be dedicated to OCFCD.
- RTC COOR-11 Hydraulic analysis will be done as part of project-level environmental review. (See Topical Response 2). At the program-level, no project-induced increases in flows are anticipated, as explained more fully in RTC COLW-5, which explains in part that on a number of the sites the existing landscape consists of fairly steep, poorly-vegetated slopes with low infiltration soils. Consequently, estimates of existing runoff coefficients are fairly high. In the case of Aliso Creek, the potentially affected lands draining towards Aliso Creek already likely experience a high amount of runoff. Although development of a undeveloped or vacant property will often increase the amount of imperviousness (and therefore, increase the potential for runoff), it also requires grade leveling, landscaping, and stormwater quality BMPs. Implementation of these features will reduce the amount of stormwater runoff in order to comply with requirements established by the Regional Water Quality Control Board, and in some cases, increase the amount of infiltration, which offset the potential increase in runoff because of more impervious surfaces. Additional text has been added to the Impact 3.8-1 discussion in order to clarify this situation. (See RTC COLW-5).
- RTC COOR-12 See RTC COOR-11
- RTC COOR-13 No improvements to local drainage facilities have been identified as part of Program-level project design and environmental review. The effect of any project-level improvement of deficient local drainages will be analyzed as part of project-level review, should such improvements be included in project-level design or identified as required in the project-level hydraulic analyses. See Topical Response 3 and RTC COOR-11.
- RTC COOR-14 Comment noted. This will occur as part of project-level review.
- RTC COOR-15 Comment noted. The requested review is part of standard City project-level review. See also RTC COOR-11.
- RTC COOR-16 Comment noted.

- RTC COOR-17 The City will comply the Orange County's request that work within, over or under OCFCD and County of Orange right-of-way should be conducted only after receiving an encroachment permit from the County.
- RTC COOR-18 Based upon the analysis in the OSA DPEIR, the purpose of the proposed improvements are to stabilize the bank of the Borrego Canyon Wash adjacent to the proposed development area on the Site 2. The County of Orange has selected its preferred alternative for Borrego Canyon Wash: a box culvert for high flow and a natural watercourse for low flow. Shea/Baker will be required to construct any flood control improvements consistent with County requirements and to dedicate the improvements to the Orange County Flood Control District. See also Topical Response 5.
- RTC COOR-19 See RTC COOR-11 and 13.
- RTC COOR-20 The Trimble reports that were included as Appendix M to the OSA PEIR and which were contracted for by the County of Orange provide a comprehensive description of the historical observations of the Borrego Canyon Wash. The Borrego Canyon Wash was observed to remain fairly stable during the historical farming operations that were undertaken on Baker Ranch. See also RTC COOR-2.
- RTC COOR-21 Comment noted.
- RTC COOR-22 This will occur as part of project-level review. See RTC COOR 11 and 13. The effect of project-level improvements, including flood protection and drainage features, will be analyzed by the City as part of its review of site-specific development applications.
- RTC COOR-23 The Borrego Canyon Wash is currently subject to erosion conditions as a result of current levels of runoff into the Wash. Based upon historical observations, the bed and bank side of the Wash that lies opposite of where development is proposed on Site 2 has remained relatively stable as a result of, among other conditions, the debris and vegetation that currently lie along that side of the Wash. As part of consideration of project-level improvements, the City will analyze flooding and erosion issues, however, if the amount of runoff from Site 2 is reduced or remains the same as required by RWQCB requirements, it is not expected that conditions under the Proposed Project would exacerbate these conditions or alter the existing environment significantly. See Topical Response 5.
- RTC COOR-24 Comment noted. The City will take this comment into consideration at such time when project-specific development proposals and project-level flood control improvements are submitted for its review and consideration.

STATE OF CALIFORNIA

ARNOLD SCHWARZENEGGER, Governor

PUBLIC UTILITIES COMMISSION

320 WEST 4TH STREET, SUITE 500
LOS ANGELES, CA 90013

CPUC



RECEIVED

MAR 22 2006

CITY OF LAKE FOREST
DEVELOPMENT SERVICES DEPT

March 17, 2006

Gayle Ackerman, Planning Director
City of Lake Forest
25550 Commercentre Drive
Lake Forest, CA 92630

Dear Ms. Ackerman:

Re: SCH# 2004071039; Lake Forest Opportunities Study

As the state agency responsible for rail safety within California, we recommend that any development projects planned adjacent to or near the Metrolink's Orange Line, and BNSF Railway Company right-of-way be planned with the safety of the rail corridor in mind. New developments may increase traffic volumes not only on streets and at intersections, but also at at-grade highway-rail crossings. This includes considering pedestrian circulation and destinations with respect to railroad right-of-way.

Some factors to consider include, but are not limited to, the planning for grade separations for thoroughfares, improvements to existing at-grade highway-rail crossings due to increase in traffic volumes and appropriate fencing to limit the access of trespassers onto the railroad right-of-way.

The above-mentioned safety improvements should be considered when approval is sought for the new development. Working with Commission staff early in the conceptual design phase will help improve the safety to motorists and pedestrians in the City.

Please advise us on the status of the project. If you have any questions in this matter, please contact me at (213) 576-7078 or at rxm@cpuc.ca.gov.

Sincerely,

Rosa Muñoz, PE
Utilities Engineer
Rail Crossings Engineering Section
Consumer Protection & Safety Division

C: Ron Mathieu, Metrolink
John Shurson, BNSF

■ Response to Comments: CPUC

RTC CPUC-1 Your comment will be included in the Final PEIR and provided to the decision-makers for review and consideration during their deliberations of whether or not to approve the Proposed Project. This comment will be addressed as part of project-level environmental review for site-specific development proposals, should any development be planned adjacent to or near the Metrolink Orange Line or BNSF Railway Company right-of-way. No impacts to rail are currently anticipated to result from the proposed project.



California Cultural Resource Preservation Alliance, Inc.

P.O. Box 54132
Irvine, CA 92619-4132

An alliance of American Indian and scientific communities working for
the preservation of archaeological sites and other cultural resources.

RECEIVED

March 13, 2006

MAR 16 2006

Ms. Gayle Ackerman, AICP
Director of Development Services
City of Lake Forest
Development Services Department
25550 Commercentre Drive, Suite 100
Lake Forest, CA 92630

CRPA

CITY OF LAKE FOREST
DEVELOPMENT SERVICES DEPT

Dear Ms. Ackerman:

Thank you for the opportunity to review the Draft Program Environmental Impact Report (EIR) for the Opportunities Study. As advocates for the protection and preservation of significant cultural resources, we have the following comments:

In the absence of a systematic archaeological examination of the entire project area, the full extent of the impacts to significant archaeological sites and traditional cultural properties cannot be determined. Mitigation measure 3.5-1 states that if the archaeological resource is determined to be a unique archaeological resource, options for avoidance or preservation in place shall be implemented if feasible. We have two concerns regarding this statement: (1) It should apply to archaeological sites that meet the requirements for listing in the California Register as a Historic Resource (Section 5020.1 of the Public Resources Code); (2) The mitigation measure does not require a systematic archaeological survey to be conducted, but instead refers to provisions for temporarily halting or redirecting work to permit evaluations of sites discovered during grading. For avoidance and preservation in place to be feasible, the archaeological resource must be identified early in the planning process.

1

Clearer language that would enhance the feasibility of avoidance and preservation is consistent with Goal 4.0 of the City of Lake Forest General Plan as well as the *Guidelines for Implementation of the California Environmental Quality Act* (CEQA Guidelines), state "When archaeological resources are involved, avoidance, or preservation in an undisturbed state is the preferable course of action." (Section 21083.2) This section describes preservation methods such as planning to avoid archaeological sites, deeding sites into permanent conservation easements, capping sites, and incorporating sites into parks, or other open space.

2

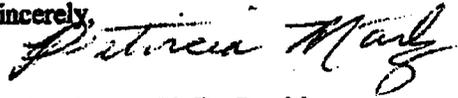
Mitigation measure 3.5-3 should take into consideration the State of California Guidelines for the Curation of Archeological Collections (State Historical Resources Commission, Department of Parks and recreation, Resources Agency State of California 1993). Mitigation Measure 3.5-4 should include the provision that the final report prepared by the qualified archaeologist is also filed with the South Central Coastal Information Center.

3

Finally, the statement in 3.5.7 Mitigation Measures that Cultural Resources can be mitigated to below a level of significance assumes that if a significant archaeological site, or traditional cultural property will be impacted by development, excavation to recover scientific data is adequate mitigation. However, archaeological excavations are costly because they are labor intensive and time consuming. Because of this, less than one percent of an archaeological site is usually "mitigated" before it is destroyed. The data recovery is supposed to provide benefits for the public, but the public never sees the artifacts or reports. In addition, data recovery does not mitigate for the disturbance of ancestral burials or other Native American values. For all of these reasons, we request that the City give serious consideration to our request that the mitigation measures emphasize the importance of avoidance and preservation for significant archaeological sites, traditional cultural properties, and historic sites.

If you have any questions or comments, please email pmartz@calstatela.edu or call (949) 559-6490.

Sincerely,



Patricia Martz, Ph.D., President

■ Response to Comments: CRPA

RTC CRPA-1 Mitigation Measure 3.5-1 is phrased to be consistent with CEQA Public Resources Code (PRC) Section 21083.2 regarding the treatment of a unique archeological resource. A unique archeological resource is defined in PRC 21083.2(g).

- (g) As used in this section, "unique archaeological resource" means an archaeological artifact, object, or site about which it can be clearly demonstrated that, without merely adding to the current body of knowledge, there is a high probability that it meets any of the following criteria:
 - (1) Contains information needed to answer important scientific research questions and that there is a demonstrable public interest in that information.
 - (2) Has a special and particular quality such as being the oldest of its type or the best available example of its type.
 - (3) Is directly associated with a scientifically recognized important prehistoric or historic event or person.
- (h) As used in this section, "nonunique archaeological resource" means an archaeological artifact, object, or site which does not meet the criteria in subdivision (g). A nonunique archaeological resource need be given no further consideration, other than the simple recording of its existence by the lead agency if it so elects.

The definitional threshold for a unique archeological resource is thus a lower definitional threshold than the requirements for listing in the California Register, as is clear from the wording of CEQA Guidelines Section 15064.5(c)(3). The mitigation would also therefore apply to archeological resources eligible for listing in the California Register. It is expected that as part of the evaluation of any site and the determination of the appropriate treatment for any resources contained therein the archeologist would make the determination as to whether the resource was California Register eligible, a unique archeological resource or neither.

Mitigation Measure 3.5-1 requires that a qualified archeologist be retained prior to issuance of any grading permit and that the archeologist be present at the pre-grading conference to establish procedures for archaeological resource surveillance. This could include, at the archeologist discretion, a systematic examination of all or part of the development site.

It should also be noted that this is a program-level EIR; project level environmental review will be conducted for individual development projects within the Opportunities Study area, once development permit applications are filed with the City. More detailed archeological review of individual development sites may occur at that time, if appropriate for the individual site.

RTC CRPA-2 Mitigation Measure 3.5-1 provides for avoidance or preservation of any unique archeological resources if feasible. Section 21083.2(b)-(e) provides guidance on the concept of feasibility.

RTC CRPA-3 The following language is added as new sentence two to Mitigation Measure 3.5-3:

State of California Guidelines for the Curation of Archeological Collections shall be consulted regarding the treatment of recovered artifacts.

The first sentence of Mitigation Measure 3.5-4 is deleted and replaced with the following:

The qualified archaeologist retained shall prepare a final report to be filed with the site developer(s), the City of Lake Forest and the South Central Coastal Information Center.

RTC CRPA-4 Although mitigation consistent with Section 21083.2(b)-(e) would not constitute mitigation to a no impact level, it does constitute mitigation to a less than significant level under CEQA.



Alan C. Lloyd, Ph.D.
Agency Secretary
CalEPA

Department of Toxic Substances Control

Maureen F. Gorsen, Director
5796 Corporate Avenue
Cypress, California 90630



Arnold Schwarzenegger
Governor

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MAR 16 2006

**CITY OF LAKE FOREST
DEVELOPMENT SERVICES DEPT**

DTSC

March 14, 2006

Ms. Gayle Ackerman
Planning Director
City of Lake Forest
25550 Commercentre Drive
Lake Forest, California 92630

NOTICE OF COMPLETION OF AN ENVIROMENTAL IMPACT REPORT FOR THE CITY OF LAKE FOREST OPPORTUNITIES STUDY (SCH# 2004071039)

Dear Ms. Ackerman:

The Department of Toxic Substances Control (DTSC) has received your submitted Notice of Completion and Draft Preliminary Environmental Impact Report (EIR) for the above-mentioned project. The following project description is stated in your document: "The Proposed Project includes a GPA and Zone Change of 838 acres of vacant lands in the Project Area on seven parcels. The GPA would change the allowed land uses from industrial, agricultural, and commercial land uses to residential, commercial, public facilities, and mixed uses. The project parcels currently have approximately 9.8 million sf of approved industrial and commercial development rights. The GPA and Zone Change consider development of 5,415 residential units on Sites 1 through 6 and a public facilities overlay on Site 7." A majority of the issues identified in DTSC's letter to the City of Lake Forest, dated August 13, 2004 have been responded to and are addressed in the EIR. DTSC has made some updates to its standard comments which you received in 2004, as follows:

Envirostor (formerly CalSites) is a database primarily used by the California Department of Toxic Substances Control, and is accessible through DTSC's website (see below).

DTSC can provide guidance for cleanup oversight through a Environmental Oversight Agreement (EOA) for government agencies, or a Voluntary Cleanup Agreement (VCA) for private parties. For additional information on the EOA please see please see www.dtsc.ca.gov/SiteCleanup/Brownfields, or contact Maryam Tasnif-Abbasi, DTSC's Voluntary Cleanup Coordinator, at (714) 484-5489.

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Ms. Gayle Ackerman
March 9, 2006
Page 2

If you have any questions regarding this letter, please contact Ms. Teresa Hom, Project Manager, at (714) 484-5477 or email at thom@dtsc.ca.gov.

Sincerely,



Greg Holmes
Unit Chief
Southern California Cleanup Operations Branch - Cypress Office

cc: Governor's Office of Planning and Research
State Clearinghouse
P.O. Box 3044
Sacramento, California 95812-3044

Mr. Guenther W. Moskat, Chief
Planning and Environmental Analysis Section
CEQA Tracking Center
Department of Toxic Substances Control
P.O. Box 806
Sacramento, California 95812-0806

CEQA# 1334

■ **Response to Comments: DTSC**

RTC DTSC-1 Thank you for a copy of your updated standard comments. Please see Section 3.7 of the Draft PEIR for a discussion of Hazards and Hazardous Materials. The Environstor database was searched as part of the preparation of the Draft PEIR.

ENHL

ENDANGERED HABITATS LEAGUE

DEDICATED TO ECOSYSTEM PROTECTION AND SUSTAINABLE LAND USE

**BY FAX (949) 461-3511 & E-MAIL****March 27, 2006**

Gayle Ackerman, AICP
Director of Development Services
City of Lake Forest Development Services Department
25550 Commercentre Drive, Suite 100
Lake Forest, CA 92630

**RE: Comments on DEIR For Opportunities Study General Plan
 Amendment and Zone Change**

Dear Ms. Ackerman:

The Endangered Habitats League, Inc. (EHL) and Sea & Sage Audubon Society, non-profit membership organizations dedicated to preservation of Southern California's unique natural habitats and to the development of sustainable land use planning, submit the following comments on the Draft Environmental Impact Report (DEIR) for the above-referenced project.

Project Description

The Proposed Project includes a General Plan Amendment (GPA) and Zone Change of a total of 838 acres of vacant lands on six parcels (793 acres total) plus approval of one public facilities overlay on a seventh parcel (45 acres). The GPA would change the allowed land uses from industrial and commercial land uses to residential and mixed uses. The vacant lands currently have approximately 9.8 million square feet of approved industrial and commercial development rights. The GPA and Zone Change consider development of 5,415 residential units and a public facilities overlay on Site 7. Over 50 acres of neighborhood parks, 45 acres of sports park and Community/Civic Center, and up to approximately 850,000 square feet of commercial development would also be permitted as a result of the project.

Affected Environment

Because of historic development constraints imposed by adjacent land uses, the entire site is currently largely undeveloped, and contains a broad suite of habitat types, including shrub (sage, chaparral), grasslands (native, nonnative, and ruderal), riparian and wetland (willow scrub, mulefat), woodlands and forest (coast live oak, eucalyptus), agricultural (orchard, grove, pastureland, irrigated fields, container nursery), and disturbed/barren areas. (DEIR at 3.4-2 to 3.4-3.)

Gayle Ackerman AICP
 City of Lake Forest
 EHL Comments on DEIR for Opportunities GPA
 March 27, 2006
 Page 2

Occupied coastal California gnatcatcher habitat exists on Sites 1, 2, 5, and 6 as well as other sensitive species such as the Rufous-Crowned Sparrow and Cactus Wren. (Id., at p. 3.4-4, 4-6, 4-7.) These sites—particularly Site 2—border areas of extremely high-value habitat, including Whiting Ranch Wilderness Park and support numerous sensitive species. (Id., 3.4-36.) The DEIR correctly acknowledges that the Project's impacts on CSS, wetland, grassland and other natural systems in these and other areas from residential and commercial development are a significant adverse environmental impact on biological resources and are potentially inconsistent with the City's General Plan Policy 2.1 requiring preservation of natural systems. (Id., at 3.4-34, 4-39, 4-44.)

Illegal Reliance On Deferred Mitigation To Support A Proposed Finding Of No Significant Impact On Biological Resources After Mitigation

The DEIR proposes to find that these impacts—at least as to CSS loss—are mitigated to a level of insignificance and are consistent with General Plan policies through certain construction conditions and payment of a \$50,000/acre mitigation fee to the Nature Reserve of Orange County for loss of occupied Coastal Sage Scrub. (Id., at pp. 3.4-34 to 3.4-35, 3-36.) As to other sensitive habitats, the DEIR relies on implementation of MM 3.4-1, 3.4-3, and 3.4-4, requiring some unspecified level of replacement habitat from state and federal permitting processes to address potential impacts to sensitive habitats not covered by the NCCP/HCP. (Id., at 3.4-39.)

For CSS impacts, the DEIR states that:

"If coastal sage scrub habitat is found to be located on the project site, the Applicant shall submit proof to the Director of Development Services that in-lieu fees have been paid to the County of Orange Central/Coastal Natural Communities Conservation Plan (NCCP Reserve). Currently, these fees are assessed at \$50,000 per acre of coastal sage scrub habitat lost." (MM 3.4-2)

For impacts to other natural systems not covered by the NCCP, the DEIR states:

"To mitigate for potential impacts to species or habitats not covered by the NCCP/HCP the following process shall be followed. The applicant has two options: (1) the applicant can obtain suitable replacement habitat and dedicate that property to the conservation and protection of sensitive species in perpetuity, or (2) the applicant can satisfy the requirements of the FESA and CESA under the consultation and permitting provisions of these regulations. In both of these options, the applicant shall first consult

Gayle Ackerman AICP
City of Lake Forest
EHL Comments on DEIR for Opportunities GPA
March 27, 2006
Page 3

with the appropriate resource agency (CDFG and/or USFWS) and establish a mitigation plan for the specific species or habitat. Appropriate mitigation shall be identified in a mitigation plan prepared by the applicant. In this mitigation plan the applicant shall demonstrate capacity for funding appropriate mitigation and the mitigation must be legally assured. Habitat acquisition and set asides shall occur in areas with long-term conservation potential. Any mitigation proposed shall be approved by the City and appropriate resource agency prior to implementation." (MM 3.4-3.)

For impacts to wetlands, mitigation is limited to jurisdictional wetlands subject to regulation by the United States Army Corps of Engineers. (MM 3.4-4.) As is the case for MM 3.4-3, relating to habitat types not covered by the NCCP, wetland alteration mitigation is deferred to other jurisdictions—the State and Federal governments.

Finally, to mitigate fragmentation of habitat (as opposed to direct loss) and loss or degradation of wildlife corridors, the DEIR states:

"In order to minimize the fragmentation of habitat and wildlife movement corridors the City shall require the applicant to include, to the extent feasible, specific design features to maintain connectivity between remaining open spaces. These features include greenbelts and other wildlife movement corridors through the proposed developments, creek setbacks and wildlife friendly stream crossings (bridges instead of culverts), and installation of wildlife-friendly landscaping (native vegetation). Any nighttime lighting shall be focused away from greenbelts and riparian corridors to preserve the nighttime integrity of these movement corridors." (MM 3.4-5.)

We cannot concur that the above measures constitute mitigation sufficient to support a finding that impacts have been reduced to a level of insignificance under CEQA because mitigation has been improperly deferred.

In a pair of published decisions, the Fourth District Division Three Court of Appeal in Santa Ana has articulated the standards applicable to the adequacy of mitigation. In *Defend the Bay v. City of Irvine* (2004) 119 Cal.App.4th 1281. In that case, the Court of Appeal held adequate mitigation for impacts to biological resources from the City of Irvine's General Plan providing that:

"Prior to the approval of a tentative tract map, the landowner must: consult with the USFWS and CDFG; conduct surveys during the breeding season to determine if the birds are in fact present in the habitat area; obtain a

Gayle Ackerman AICP
 City of Lake Forest
 EHL Comments on DEIR for Opportunities GPA
 March 27, 2008
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determination regarding the long-term value of the habitat area; obtain permits from the USFWS and CDFG; and coordinate avoidance measures with those agencies in ways that are required to include seven listed items." (Id. at p. 1266 (emphasis added).)

Critical to the Court's holding that the mitigation measure was adequate did not constitute illegal deferred mitigation was the inclusion in the mitigation measure of seven specific avoidance measures that operated as standards against which compliance could be measured. (Id., at p 1267.)

A year later, the Santa Ana Court of Appeal rejected a mitigation measure as inadequate for its failure to impose any objective standard in *Endangered Habitats League v. County of Orange* (2005) 32 Cal. Rptr.3d 177. To mitigate noise impacts from a specific plan amendment, the EIR in that case provided

"That before a grading permit is issued, the developer must submit an acoustical analysis describing the "exterior noise environment" and "preliminary mitigation measures, if required." Before a building permit may be issued, another acoustical report must be submitted to demonstrate structures have been designed to meet "exterior and interior noise standards" satisfactory to the manager of the county's building permit division. That individual must also be satisfied the developer will place supply stockpiles and vehicle staging areas "as far [away] as practicable." (Id., at 183.)

2

The court rejected this measure because it improperly deferred commitment to specific mitigation. The appellate court held:

"[The mitigation measure] is inadequate. No criteria or alternatives to be considered are set out. Rather, this mitigation measure does no more than require a report be prepared and followed, or allow approval by a county department without setting any standards." (Id.)

Unlike the mitigation measures determined to be adequate in *Defend The Bay* because they incorporated seven specific avoidance criteria, the measure adopted here suffer from the precise defect Justice Bedsworth identified in *Endangered Habitats League*: A lack of standards.

For example, an applicant need merely obtain "suitable" replacement habitat for impacts to species not covered by the NCCP. Suitable to accomplish what? What standard is imposed to provide any assurance that what a future decision maker deems "suitable" will be sufficient to mitigate impacts to a level of insignificance? Plainly, a requirement merely to obtain "suitable" replacement

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habitat is so vague as to be meaningless, deferring the imposition of any meaningful mitigation standard to an undefined future date.

Alternatively, an applicant may "satisfy the requirements of the FESA and CESA under the consultation and permitting provisions of these regulations" and prepare a mitigation plan. Again, no standards are imposed providing for mitigation to below a level of significance. Unlike in *Defend The Bay*, specific avoidance measures are not included in the measure. Rather, the adequacy of mitigation is left to the untrammled discretion of future state and federal decision makers over which the City has no control, and to future City decision makers who will not be bound by the Measure to ensure mitigation to below a level of insignificance.¹

Proposed mitigation for fragmentation impacts and damage to wildlife corridors is also fatally vague; requiring undefined "specific design features to maintain connectivity between remaining open spaces." What design features? What standards exist to provide even the most basic assurance that they will be adequate? And why cannot these Corridors be identified and preserved now, when the flexibility to craft truly effective wildlife Corridors, by means of Open Space designations, still exists?²

In sum, these mitigation measure must be completely revamped to incorporate specific standards to be legally adequate. Until that is done, established law precludes a finding of no significant impact on biological resources after mitigation under CEQA.

Failure To Consider A Reasonable Range Of Alternatives.

The DEIR's analysis of alternatives is concededly lengthy, but is remarkably narrow in the range and diversity of potential land use configurations considered. All of the alternatives brought forward into the DEIR consider substitutions of differing ratios and types of residential, retail and industrial uses versus the currently planned commercial and industrial uses for the area. All of the build alternatives—Alternatives 2 through 6—involve development with grading and vegetation removal footprints similar to or greater than the proposed project. (DEIR, at p. 4-337.)

¹ Proposed mitigation for wetland impacts are similarly defective.

² Indeed, such "macro-scale" planning decisions are better made at the General Plan amendment level, where a birds-eye view of the impacts of individual land use decisions can facilitate truly effective conservation planning. If left to the project implementation stage, vital opportunities to create large-scale connection between, for example, Site 2 and the Whiting Wilderness Park, and in areas adjacent to the Great Park will be foreclosed. EHL welcomes the opportunity to engage with the City in the development of such solutions.

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This artificially constrained series of alternatives creates the false impression that an alternative with less impact on ecosystems somehow cannot be reasonably developed, considered or implemented. No effort was made to develop an alternative that would leverage and complement existing conservation and recreational investment in the adjacent Great Park and Whiting Ranch Wilderness Park by preserving the high quality habitat on the project area (e.g. Sites 1, 2 and 6) found adjacent or near to these areas through the development consideration of an Open Space Alternative. The DEIR provides no justification for this decision.

Indeed, environmentally superior alternatives with smaller development footprints exist that satisfy the stated project objectives listed at page xix of the DEIR. As an added bonus, an open Space Alternative would also implement the City's General Plan Policy 2.1, requiring the conservation of biologically significant resources found within City boundaries.

In such an alternative, the Residential, retail and other development currently planned for the relatively small percentage of the over 800 acres constituting the project area that contains high value habitat, wetlands, and essential linkages to adjacent conserved areas could be accommodated elsewhere by adopting marginally higher density and some modest reconfigurations. Because the intensity of development would remain comparable, the City's development goals would not be compromised, and a more livable plan would result that may be more fiscally sound.

the City may ultimately conclude that an Open Space Alternative is not desirable, or does not meet some City goal. But its failure in the DEIR to develop and consider such an alternative when it is manifestly feasible cannot be squared with CEQA's mandate to "describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project *but would avoid or substantially lessen any of the significant effects of the project*, and evaluate the comparative merits of the alternatives." (14 Cal. Code Regs. 15126.6 (a), emphasis added.)

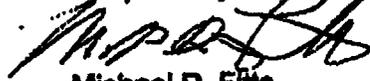
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EHL and Sea and Sage look forward to the opportunity to discuss the issues discussed above with the City and with other interested parties and to develop mutually suitable solutions that properly balance development and conservation goals. To that end, should you or your staff have any questions or comments, please do not hesitate to contact the undersigned at (310) 947-1908, or Dr. Dan Silver, EHL's Executive Director, at (213) 804-2750.

Thank you for your consideration of EHL's and Sea & Sage Audubon's views.

Respectfully submitted,



**Michael D. Fitts
Staff Attorney
Endangered Habitats League**

**cc: Dan Silver, M.D., EHL
Scott Thomas, Sea & Sage Audubon**

■ Response to Comments: ENHL

RTC ENHL-1 The comment describes the components of the proposed project, and the existing conditions on the properties within the OSA. As noted in the comment, the Draft PEIR acknowledges the proposed Project's impacts on sensitive habitat and species.

This comment contains introductory or general information, is not a direct comment on the content or adequacy of the Draft PEIR, and does not raise any specific environmental issue. Pursuant to CEQA, a general response is sufficient when a comment is general in nature [refer to *ALARM v. City of Los Angeles*, 12 CA4th 1773 (1993); *Browning-Ferris Industries v. City Council*, 181 CA3d 852, 226 CR 575 (1986)]. Therefore, this comment is noted and no further response is required.

RTC ENHL-2 The comment questions whether the mitigation measures identified to mitigate impacts to biological resources improperly defer analysis of the impact. The comment provides an excerpt from two recent decisions. The first decision is *Defend the Bay v. City of Irvine*. It should be noted that the species that were at issue in the *Defend the Bay* case were “conditionally covered” species under the NCCP, not “covered species.” Mitigation Measure 3.4-1 requires surveys to determine whether habitat or wildlife species would be impacted by development and then compliance with the NCCP. For impacts to coastal sage scrub habitat and plant and animal species covered by or protected by the NCCP, Mitigation Measure 3.4-2 requires payment of the mitigation fee established by the NCCP. This is not deferred analysis or mitigation because the impacts to coastal sage scrub habitat (“CSS”) and covered species were addressed in the NCCP and the EIR prepared in connection with adoption of the NCCP. The loss of CSS and covered species on properties identified for development in the NCCP was addressed and mitigation in the form of payment of fees was adopted as an appropriate mitigation measure. The species in question in the *Defend the Bay* excerpt quoted by the commenter was the least Bell's vireo which was conditionally covered and the NCCP required additional surveys prior to development, unlike impacts to CSS and covered species for which no additional survey requirements were imposed by the NCCP. Moreover, the comment does not provide the full excerpt from the *Defend the Bay* decision in which the court upheld two other mitigation measures for the Foothill Mariposa lily and the western spadefoot toad which required coordination with the U.S. Fish and Wildlife Service and Department of Fish and Game to develop a mitigation plan – similar to the procedures outlined in Mitigation Measures 3.4-1 and 3.4-3. The court noted that “the actual mitigation plan is not set out in the EIR,” but that while the mitigation is deferred, it is not improper because the PEIR commits the City to such mitigation and lists what will be required in the mitigation plan.

Text Change

Mitigation Measure 3.4-3 has been revised to identify what is required in the mitigation plan by establishing the criteria by which the replacement habitat will be selected.

MM 3.4-3 ~~Loss of Species or Habitats Not Covered by the NCCP/HCP. To mitigate for potential impacts to species or habitats not covered by the NCCP/HCP the following~~

~~process shall be followed. The applicant has two options: (1) the applicant can obtain suitable replacement habitat and dedicate that property to the conservation and protection of sensitive species in perpetuity, or (2) the applicant can satisfy the requirements of the FESA and CESA under the consultation and permitting provisions of these regulations. In both of these options, the applicant shall first consult with the appropriate resource agency (CDFG and/or USFWS) and establish a mitigation plan for the specific species or habitat. Appropriate mitigation shall be identified in a mitigation plan prepared by the applicant. In this mitigation plan the applicant shall demonstrate capacity for funding appropriate mitigation and the mitigation must be legally assured. Habitat acquisition and set asides shall occur in areas with long term conservation potential. Any mitigation proposed shall be approved by the City and appropriate resource agency prior to implementation. To mitigate for potential impacts to species or habitat not covered by the NCCP/HCP, the following process shall be followed. Prior to approval of a tentative tract map in an area in which species or habitat not covered by the NCCP/HCP has been identified, the applicant shall prepare a biological assessment identifying the species and/or habitat that will be impacted by the proposed project. If the species is protected under either the Federal Endangered Species Act or the California Endangered Species Act, the applicant shall comply with the requirements of those statutes and obtain the necessary permits and authorizations under those Acts. Evidence that all necessary permits and approvals have been obtained shall be provided to the City prior to issuance of a grading permit for any impacted habitat area. If the species or habitat is not protected under either FESA or CESA, but is otherwise protected by either or both agencies through regulation under the Migratory Bird Treaty Act or other similar regulatory requirement, the applicant shall provide suitable replacement habitat at a minimum of 1:1, and shall prepare and submit a mitigation plan for City approval that demonstrates that the replacement habitat is protected in perpetuity and that appropriate long-term habitat management is provided. The mitigation plan must be prepared in consultation with and receive the approval of the agency regulating the species or habitat. The mitigation plan shall provide for among other things, biological monitoring during grading activities, and fencing of any habitat area that will not be disturbed by construction.~~

In response to the comment that the mitigation measure for wetland impacts is similarly defective, Mitigation Measure 3.4-4 is quite detailed in terms of identifying the process by which a development proponent must undertake in order to obtain a permit to impact waters of the State or United States, including compliance with statutorily-mandated permit requirements, and preparation of a restoration plan with specific options (on or off site construction of wetlands; contribution of funds; restoration of degraded wetlands), established criteria (no net loss of functions and values) and a minimum replacement ratio of 1:1. This is a program-level EIR that outlines the means by which future development must mitigate its impacts through subsequent permit processes. This mitigation measure satisfies the criteria set forth under both *Defend the Bay* and *Sacramento Old City Association* when mitigation is deferred until a definitive project is brought forward.

RTC ENHL-3 The City acknowledges the commenter's suggestion regarding the possibility of "alternatives with smaller development footprints" that satisfy the stated project objectives with a comparable intensity of development. The OSA Draft PEIR is a program-level EIR which analyzes the impacts of a proposed General Plan Amendment and zone change to address a change in land use from predominantly commercial/industrial uses to residential, commercial and civic uses. How exactly those land uses are configured within each of the covered properties is not addressed as part of this PEIR as that is a level of analysis that is more appropriate to a project-

level analysis when specific issues of site design and property-specific planning can be conducted.

CEQA Guidelines Section 15126.6(a) requires an EIR to:

describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives. An EIR need not consider every conceivable alternative to a project. Rather it must consider a reasonable range of potentially feasible alternatives that will foster informed decisionmaking and public participation. An EIR is not required to consider alternatives which are infeasible. The lead agency is responsible for selecting a range of project alternatives for examination and must publicly disclose its reasoning for selecting those alternatives. There is no ironclad rule governing the nature or scope of the alternatives to be discussed other than the rule of reason.

As described in Chapter 5 of the PEIR, the project would result in the following significant unmitigated impacts:

- Light and glare impacts due to development on vacant land.
- Agricultural resources impacts on Site 1 and a portion of Site 7 primarily due to the loss of prime farmland.
- Construction and operational air quality impacts.
- Pesticide-related water quality impacts
- Cumulative noise impacts
- Population growth
- Traffic and transportation (cumulative)

Biological resource impacts were less than significant with implementation of the mitigation measures included in the PEIR.

Reduced development alternatives may reduce, but would not eliminate the significant unmitigatable project impacts. In addition, substantially reduced development alternatives would not achieve key objectives of the proposed project, specifically the generation of public benefits in the form of a developer financed sports/park complex and a civic/community center. This is why a reduced density alternative did not receive comprehensive analysis in the PEIR, but was one of the alternatives rejected as infeasible in the PEIR (see discussion in Section 4.4.5 of the PEIR).

The City did develop and analyze a new alternative, Alternative 7, which includes a reduction in development on Site 2. This alternative is discussed in Chapter 7, the Recirculate Draft PEIR.

Although substantially reduced project alternatives would not achieve the key objectives of the project, the City's decision-makers have the option, as part of their consideration

of the project, adopt one of the project alternatives or to make modifications to the proposed project, such as reductions in site densities, as such modifications would be within the range of alternatives analyzed in the PEIR, and would not result in additional impacts, beyond those analyzed in the environmental document for the project.

As noted in Section 4.4.5, the proposed project represents a reduced density alternative, as compared to the Landowner Concept Plan, put forth by the owners of the seven parcels included in the Opportunities Study. The City had the option to analyze the Landowner Concept Plan and to include the proposed project as a density-reducing alternative, but chose to elevate the density-reducing alternative to project status prior to release of the Draft PEIR.

It should be further noted that the PEIR analyzes the proposed project at a program-level. (See Topical Response 2). Site plans have not been developed for the seven sites included in the proposed project. Subsequent environmental review will be required for the separate developments which would occur on Opportunities Study project sites. As part of this project-level environmental review, site-specific alternatives for avoidance of habitat areas will be considered.

GRFO

LAW OFFICES OF ROBERT C. HAWKINS

March 27, 2006

Via e-mail (gackerman@ci.lake-forest.ca.us)
and Hand Delivery

Ms. Gayle Ackerman, Director
Development Services Department
City of Lake Forest
25550 Commercentre Drive
Lake Forest, California 92630

RECEIVED

MAR 27 2006

CITY OF LAKE FOREST
DEVELOPMENT SERVICES DEPT

Re: **The City of Lake Forest's (the "City" or "Lake Forest") Draft Environmental Impact Report ("DEIR") for the proposed the proposed Lake Forest Opportunities Study and General Plan and Zoning Code Amendments for seven properties currently zoned for industrial and commercial to the proposed residential and related zoning (the "Project")**

Dear Ms. Ackerman:

Thank you for the opportunity to comment on the captioned document for the Project. This firm represents the Golden Rain Foundation ("GRF"), a California non-profit corporation, which oversees the management and maintenance of the property, facilities and services within the senior community of Laguna Woods Village, erroneously referred to in the DEIR as "Leisure World." GRF manages property, facilities and infrastructure including roads and streets within the Laguna Woods Village and in the vicinity of the Project.

On behalf of GRF and its community, we offer the following comments on the DEIR. We offer the following summary of concerns, a summary of the legal standards for the DEIR, and then a detailed discussion of the critical problems with the DEIR.

I. Summary of Concerns: The City Should Revise and Re-circulate the DEIR.

For the reasons discussed below and identified in this section, the City should revise the DEIR to address the following issues which are discussed fully below:

1. The Program DEIR fails to accomplish its purpose of analyzing Project impacts and proposing necessary mitigation, because it attempts unsuccessfully to analyze both program and project level issues.] 1

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Gayle Ackerman, Director

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2. The Project Description is flawed and inadequate in that it fails to discuss the specifics of the Project and the development of the Project parcels.] 2
3. The analysis of the Project impacts on hydrology and water quality is inaccurate and incomplete because it fails to discuss Project site-specific impacts and mitigation.] 3
4. The analysis of Project impacts on land use is flawed and inadequate, fails to explain crucial issues and impacts, and fails to propose necessary mitigation.] 4
5. The analysis of Project impacts on population and housing is incomplete and fails to discuss the Project's impacts on affordable housing and any necessary mitigation.] 5
6. The analysis of Project impacts on transportation and circulation is incomplete, inadequate and erroneous in that it fails to consider correct traffic data in the Extended Study Area, fails to consider Project impacts on the roadway system when certain roadway improvements are not made or eliminated from the County of Orange's Master Plan of Arterial Highways ("MPAH"), and fails to provide adequate and feasible mitigation measures for traffic impacts in the Extended Study Area.] 6
7. The analysis of the Project's contribution to cumulative impacts is flawed and incomplete in connection with hydrology and water quality, and transportation/traffic in that it fails to consider all projects which may actually create cumulative impacts, it fails to analyze the cumulative impacts of the development of the various Project sites, and it fails to propose adequate and feasible mitigation measures.] 7
- Because revising the DEIR to address these issues and others will result in substantial changes in the DEIR and significant new information, the City should re-circulate the revised DEIR for public review and comment. California Environmental Quality Act ("CEQA") Guidelines section 15088.5.] 8

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II. Introduction: EIR Standards.

An EIR constitutes the heart of CEQA, Public Resources Code sections 21000 et seq.: An EIR is the primary environmental document which:

“ . . . serves as a public disclosure document explaining the effects of the proposed project on the environment, alternatives to the project, and ways to minimize adverse effects and to increase beneficial effects.”

CEQA Guidelines section 15149(b). See California Public Resources Code section 21003(b) (requiring that the document must disclose impacts and mitigation so that the document will be meaningful and useful to the public and decision-makers.)

Further, CEQA Guidelines section 15151 sets forth the adequacy standards for an EIR:

“An EIR should be prepared with a sufficient degree of analysis to provide decision-makers with information which enables them to make a decision which takes account of the environmental consequences. An evaluation of the environmental effects of a proposed project need not be exhaustive, but sufficiency of an EIR is to be reviewed in the light of what is reasonably feasible. Disagreement among experts does not make an EIR inadequate, but the EIR should summarize the main points of disagreement among the experts. The courts have looked not for perfection but for adequacy, completeness, and a good faith attempt at full disclosure.”

Further, “the EIR must contain facts and analysis, not just the agency’s bare conclusions or opinions.” Concerned Citizens of Costa Mesa, Inc. v. 32nd District Agricultural Association (1986) 42 Cal. 3d 929, 935 (Emphasis supplied).

An agency’s determination in connection with an EIR must be supported by substantial evidence. Public Resources Code sections 21168 and 21168.5. “[S]ubstantial evidence includes fact, a reasonable assumption predicated upon fact, or expert opinion supported by fact.” Public Resources Code section 21080(e)(1). However, “[r]elevant personal observations such as [personal observations about noise] can constitute substantial evidence.” Oro Fino Gold Mining Corp. v. County of Del Oro (1990) 225 Cal. App. 3d 872, 882.

In addition, an EIR must specifically address the environmental effects and mitigation of the Project. But “[t]he degree of specificity required in an EIR will correspond to the degree of specificity involved in the underlying activity which is described in the EIR.” CEQA Guidelines section 15146. The analysis in an EIR must be specific enough to further informed decision making and public participation. The EIR must produce sufficient information and analysis to

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understand the environmental impacts of the proposed project and to permit a reasonable choice of alternatives so far as environmental aspects are concerned. See Laurel Heights Improvement Association v. Regents of the University of California (1988) 47 Cal. 3d 376.

Also, to the extent that an EIR proposes mitigation measures, it must provide specific measures. It cannot defer such measures until some future date or event. "By deferring environmental assessment to a future date, the conditions run counter to that policy of CEQA which requires environmental review at the earliest feasible stage in the planning process." Sundstrom v. County of Mendocino (1988) 202 Cal. App. 3d 296, 308. See Bozung v. Local Agency Formation Com. (1975) 13 Cal.3d 263, 282 (holding that "the principle that the environmental impact should be assessed as early as possible in government planning."); Mount Sutro Defense Committee v. Regents of University of California (1978) 77 Cal. App. 3d 20, 34 (noting that environmental problems should be considered at a point in the planning process "where genuine flexibility remains"). CEQA requires more than a promise of mitigation of significant impacts: mitigation measures must really minimize an identified impact.

"Deferral of the specifics of mitigation is permissible where the local entity commits itself to mitigation and lists the alternatives to be considered, analyzed and possibly incorporated in the mitigation plan. (Citation omitted.) On the other hand, an agency goes too far when it simply requires a project applicant to obtain a biological report and then comply with any recommendations that may be made in the report. (Citation omitted.)" Defend the Bay v. City of Irvine (2004) 119 Cal. App. 4th 1261, 1276.

III. Section 1: The Introduction– The Tip of the Iceberg of Problems.

Section 1 is the Introduction and displays many of the problems which undercut the viability of the entire DEIR. First, the DEIR states that it is a "Program DEIR" under CEQA Guidelines section 15168. Such DEIRs are tricky and complicated. Moreover, as discussed below, the DEIR itself attempts to analyze impacts at both a project and a program level. However, as discussed below in the problems with the Project Description, the DEIR fails to provide the specifics of the individual projects.

Recently, the Irvine Ranch Water District certified a Program EIR for its natural treatment system project referenced in the DEIR. IRWD's EIR analyzed both the program of natural treatment as well as various specific project sites. The IRWD EIR was both a program and a project level EIR. The DEIR attempts to accomplish the same result but its analysis is incomplete. The City should revise the DEIR and perform a similar analysis as the IRWD analysis.

The DEIR states that the DEIR is a program EIR, because the Project parcels are geographically within the City, the plans are similar, and the landowners have entered into a

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memorandum of understanding regarding the collective development. None of these justify the program level DEIR.

First, if being within the City satisfies the proximity prong of Guidelines section 15168(1), the DEIR should address every project within the City. Obviously, it does not and cannot. Second, the plans may be similar, but it is unclear that their impacts will be similar. Indeed, their impacts, e.g. say for traffic, may be dissimilar. Traffic from one area may access I-5 while traffic in another area may access SR-241.

Finally, as to the MOUs, the DEIR does not contain these documents and fails to discuss the terms of the MOUs. This information is necessary to understand how the DEIR works as a program level document.

Regardless, the DEIR cannot accomplish its purpose. In Al Larson Boat Shop, Inc. v. Board of Harbor Commissioners (1998) 18 Cal. App. 4th 729, 741, the Court held that a program EIR was improper for a general plan amendment or plan level decisions. Rather, the Court held that a tiered EIR is the appropriate document for plan level decisions including general plan amendments. Id.

Here, the DEIR should be revised to comply with the requirements of CEQA and the directions of the Al Larson Court. More importantly, this direction would satisfy the concerns referenced above and follow the better practices as implemented by IRWD. The revised tiered DEIR would then analyze the program of residential development in the City and the subsequent Project level DEIRs would analyze the impacts of each of the Project sites.

This problem surfaces throughout the DEIR and its analysis of environmental impacts. By attempting to conduct a program level analysis of project level impacts, the DEIR fails to assess and analyze fully the environmental impacts of the full Project and all feasible mitigation measures. For instance, as discussed below, Section 3.8 of the DEIR addresses hydrology and water quality impacts of the Project. For water quality, it concludes that the Project will have significant and unmitigated water quality impacts due to the use of pesticides and chemicals as a result of the residential uses. Rather than discuss feasible best management practices ("BMPs") and other project features, e.g. requiring only native plants for all landscaping, and identify feasible mitigation measures, e.g. holding all discharge flows on site, the DEIR concludes that the Project will have significant and unmitigated impacts.

More importantly, the DEIR states that the development of the Project parcels will require site-specific hydrology studies, DEIR at 3.8-28, and site-specific water quality studies including a selenium off-set program and storm water programs, DEIR at 3.8-32. These site-specific studies are necessary to determine the full impact of the Project: implementation of the Project features and mitigation measures at the site-specific level may lessen impacts to a level

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of insignificance. At the very least, before the DEIR concludes that impacts are significant and unmitigated, this project level, site-specific analysis must be performed and project level, site-specific mitigation measures, if any, must be proposed. 12

Second, Section 1.10 attempts to provide a list of projects for the cumulative impacts analysis. The list of projects focuses on projects within the County of Orange's Growth Management Area ("GMA"), No. 9 which is established in the County's Growth Management Element of its General Plan. Although the GMAs were designed to ensure that land use plans and transportation facilities matched, the GMAs were not designed to limit environmental analysis. Clearly, traffic in one GMA will travel to others, often on a daily basis as may occur under the Project. In addition, GMA No. 9 splits the City of Irvine so that some projects within Irvine lie outside GMA No. 9. The DEIR should be revised to include a full list of projects which may have cumulative impacts together with the Project regardless of whether these are outside GMA No. 9. 13

Indeed, several important projects which together with the Project may create such impacts are omitted. For instance, at this time, Irvine has released for comment an environmental impact report for the residential development of Planning Areas 18, 39, 33, and 34 which are near or adjacent to Laguna Woods Village. The Project will result in the construction of 5,300 houses in the area. Obviously, since these Planning Areas are near or within the Extended Study Area and near the City as well as near Laguna Woods Village, this project must be included in the cumulative impacts project list for the DEIR. 14

III. Section 2: The Project Description Is Flawed and Inadequate.

The Project description is one of the key parts of any environmental document. As the County of Inyo Court noted long ago,

"Only through an accurate view of the project may affected outsiders and public decision-makers balance the proposal's benefit against its environmental cost, consider mitigation measures, assess the advantage of terminating the proposal (i.e., the 'no project' alternative) and weigh other alternatives in the balance. An accurate, stable and finite project description is the *sine qua non* of an informative and legally sufficient EIR." 15

County of Inyo v. City of Los Angeles (1977) 71 Cal. App. 3d 185, 199. In addition, the CEQA Guidelines section 15124 requires that an EIR describe the project "in a way that will be meaningful to the public, to the other reviewing agencies, and to the decision-makers." Discussion, Guidelines section 15124. However, the DEIR fails all of these metrics.

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First, the Project Description is ambiguous. Section 2 states that the Project includes:

“a GPA and Zone Change of 838 acres of vacant lands in the Project Area on seven parcels. The GPA would change the allowed land uses from industrial, agricultural, and commercial land uses to residential, commercial, public facilities, and mixed uses. The project parcels currently have approximately 9.8 million sf of approved industrial and commercial development rights. The GPA and Zone Change consider development of **5,415 residential units** on Sites 1 through 6 and a public facilities overlay on Site 7, which is further explained below. Approximately 50 acres of neighborhood parks, up to 45 acres of public facilities (sports park and Community Center/Civic Center), and 648,720 sf of commercial development would also be permitted as a result of the project.”

DEIR at 2-6 (Emphasis supplied.)

However, in Section 2.4, the DEIR states that part of the Project includes approval of Development Agreements for the various Project sites. These Development Agreements will provide entitlements for the Project parcels in the same way that the parcels were originally entitled. The proposed Development Agreements for the Project should be exhibits or attachments to the DEIR. Unfortunately, the Development Agreements are not finalized. That is, a portion of the Project Description remains unclear and uncertain. The DEIR should be revised and re-circulated so that the public and interested parties, including GRF and its community, may understand the Project and its impacts, and any necessary mitigation measures.

Further, it is unclear that any of the traffic improvements required by the early development agreements for the Project parcels have been completed. If the existing General Plan impacts are to be considered by the DEIR as a baseline, then the DEIR must explain the full General Plan scenario including all project traffic improvements, other project features and mitigation measures, if any.

In addition, Section 2.4, the Project Description, talks about landowner participation but contains nothing about non-participating landowners. However, the Traffic Study indicates that the Nakase property owner is not participating. Yet, the DEIR proposes to load this parcel with the public improvements including a 90,000 square foot government facility, a forty acre sports park and an 1,159,000 square foot business park. The DEIR should be revised to discuss landowner participation, the rationale for locating public facilities including parks, and the feasibility of locating these facilities on other parcels.

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Further, the Project Description states that the DEIR will not include a fiscal analysis:

“Analysis of economic or social effects of the Proposed Project is not required, pursuant to Section 15131 of the CEQA Guidelines, unless there is a cause-and-effect relationship between anticipated economic or social changes resulting from the project and physical changes caused, in turn, by the economic or social changes”

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DEIR at 2-6. However, one of the Project Objectives is:

“**Fiscal Stability.** Future residential and/or commercial development within the Project Area should ensure a fiscally sound and stable economic base for the community and provide the community with a mechanism to share equitably in the financial benefit derived from such development within the Project Area”

Id. In order to understand whether the Project meets its goals, the DEIR should include a fiscal analysis and discuss the study in the DEIR. More importantly, because Fiscal Stability is a Project Objective, then Section 15131 requires such a study because the Project will have fiscal consequences.

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In addition, the Project Description indicates that the DEIR will be used for various purposes including:

- To provide a basis for the preparation of subsequent environmental documentation for future development proposals in the Project Area
- To serve as a source document for responsible agencies to issue permits and approvals, as required, for specific development that occurs during the GPA planning horizon”

Given that the Project Description includes the Development Agreements for the seven Project parcels, it is unclear what future development proposals and what specific developments are referenced.

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Further, the Project Description provides conflicting information regarding existing uses and square footage. For instance, the DEIR at 2-1 states that the Project Area includes more than 10 million square feet of commercial and industrial uses; the DEIR at 2-5 lowers this figure to 9.8 million square feet. The Draft Traffic Study, Appendix I, lowers this more than forty (40%) percent to 6.7 million square feet.

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The Project Description contains other problematic characterizations of existing entitlements. For instance, Table 2-1 identifies existing "entitlements" including no square footage for open space. However, Table ES-1 identifies the current general plan land uses including 47 acres of open space and 17 acres of parks.

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In order to understand the full impacts of the Project, the DEIR must clearly state the current amount development allowed under the General Plan and Zoning Code and provide accurate comparisons to the Project.

As indicated above, the Project Description is also inadequate because it fails to analyze the full Project including all aspects of the development of the Project parcels. Since its inception, CEQA has forbid "piecemeal" review of the significant environmental impacts of a project. Laurel Heights Improvement Assn. v. Regents of University of California (1988) 47 Cal.3d 376, 391, fn. 2. This prohibition stems in part from CEQA itself: Public Resources Code section 21002.1(d) requires that an environmental document "consider[] the effects, both individual and collective, of all activities involved in [the] project." Courts have recognized that:

"A curtailed or distorted project description may stultify the objectives of the reporting process. Only through an accurate view of the project may affected outsiders and public decision-makers balance the proposal's benefit against its environmental cost, consider mitigation measures, assess the advantage of terminating the proposal ... and weigh other alternatives in the balance. An accurate, stable and finite project description is the *sine qua non* of an informative and legally sufficient EIR."

Sacramento Old City Assn. v. City Council (1991) 229 Cal.App.3d 1011, 1023 [280 Cal.Rptr. 478], original italics; Stanislaus Natural Heritage Project v. County of Stanislaus (1996) 48 Cal.App.4th 182, 201.

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Further, CEQA Guidelines Section 15165 provides that:

"Where individual projects are, or a phased project is, to be undertaken and where the total undertaking comprises a project with significant environmental effect, the lead agency shall prepare a single program EIR for the ultimate project as described in Section 15168 . . ."

Under the Guidelines, the term "project" is defined as "the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably indirect physical change in the environment . . ." *Id.* at CEQA Guidelines section 15378(a). At the other end of the spectrum, long-range planning proposals are exempt from EIR requirements: "A project involving only feasibility or planning studies for possible future actions which the

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agency, board, or commission has not approved, adopted, or funded does not require the preparation of an EIR" CEQA Guidelines section 15262.

The Project is not simply the General Plan Amendments and the Zone Changes; it is also the residential development of the Project parcels under the Development Agreements which are still under negotiation. The DEIR and the Project recognizes that the Project is pregnant with other environmental analyses for each of the Project parcel. This piecemeal approach is precisely what CEQA, the Guidelines and case law are designed to prevent.

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The City should revise the DEIR, re-circulate it as a tiered EIR with related EIRs for the Project parcels. This revision would fully analyze the residential redevelopment for the Westside, fully analyze the entire spectrum of potential environmental impacts and propose necessary mitigation. The City should not attempt to circumvent the requirements of CEQA by segmenting the Project into bite size pieces. Courts have long recognized that such an attempt violates the requirements of CEQA.

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IV. Chapter 3.0: Environmental Impact Analysis Requires Extensive Revision and Must be Re-Circulated for Public Comment and Review.

A. Section 3.8: The DEIR Impermissibly Defers the Analysis of Project Impacts on Hydrology and Water Quality.

Section 3.8 addresses the Project's potential impacts on hydrology and water quality. As indicated above, because the DEIR conducts its analysis at a program level, rather than a project level, the DEIR misses project level impacts and project level mitigation measures.

The DEIR correctly notes that the Project will affect both the Aliso Creek and San Diego Creek watersheds. Aliso Creek flows through Laguna Woods and Laguna Woods Village and carries surface water through Laguna Beach to the Pacific Ocean. San Diego Creek flows through Irvine and Newport Beach, into Upper Newport Bay. The Project parcels drain variously: some, e.g. Sites 2, 4 and 5 which cover over 306 acres and include over 1,190 houses, drain to Aliso Creek; others, e.g. Sites 1, 2, 3, 5 and 6 which cover almost 800 acres and include almost 5000 houses (several sites flow to both watersheds and these are double counted here) flow to San Diego Creek. Thus, the Project may have hydrology and water quality impacts on two watersheds and two water ways.

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At Impact 3.8-1, the DEIR states that the Project may have impacts which can be lessened to a level of insignificance with mitigation. First, as to the impact, it is unclear how this impact is calculated. Table 3.8-1 assigns lower runoff coefficients for the Project than for both existing conditions and the General Plan scenario. Although this is understandable for the General Plan scenario, it is incomprehensible for the existing situation: runoff in the existing situation is

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moderated and controlled by vast open spaces, pervious surfaces, native vegetation and no irrigation. Under the Project, converse is true: urbanization, increased impervious surfaces, little native vegetation, and substantial residential irrigation. All of this will increase runoff and should increase the runoff coefficient. The DEIR should be revised to quantify these impacts, discuss any project features which may mitigation such impacts, and propose any necessary additional mitigation.

In line with this, Impact 3.8-1 which addresses the quantity of surface water runoff observes that:

“Runoff to both the Aliso Creek and San Diego Creek Watersheds would be reduced when compared to existing conditions.”

DEIR at 3.8-27. However, it also notes:

“Higher runoff amounts for individual sites could exceed local conveyance capacities or contribute to localized flooding if not properly addressed by each proposed project.”

Id. This conflict illustrates the problem of dealing with average surface water flows. Assuming *arguendo* that average surface flows under the Project may be less, nonetheless it is the 100 year storm, the Katrina factor, that must be analyzed in determining impacts from surface water runoff. Apparently, the Project may have runoff which exceeds capacity of water courses or storm drains. If so, then this impact must be analyzed specifically, not on average.

Moreover, the specific Project parcel designs may increase or decrease runoff. As the DEIR states:

“If the drainage system is not adequately designed (e.g., concentrated flow paths) implementation of the Proposed Project could result in localized higher peak flow rates even though runoff coefficients (and therefore amounts of runoff) are lower for the Proposed Project compared to existing conditions.”

DEIR at 3.8-28. That is, the hydrologic impacts all depend upon the Project site parcel drainage facilities or features recommended in such studies. However, these studies are not part of the DEIR. These specific Project parcel impacts analyses and designs must be part of the DEIR in order to analyze fully the impacts of the Project as required by CEQA, its impacts to water courses downstream, including areas of Aliso Creek adjacent to Laguna Woods Village, propose specific Project site features to handle and minimize such flows, and propose any necessary mitigation.

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To minimize these impacts, the DEIR states:

In addition, prior to the issuance of grading permits, each site developer would be required to submit a site-specific hydrology study to the City for approval. Consequently, local changes in runoff are expected to have a less-than-significant impact on flooding.”

Id. It is unclear whether this is a Project feature or a mitigation measure or both. Regardless, whatever the character of this site-specific hydrologic study, it should be part of the DEIR. By not providing such studies, the DEIR improperly defers development of necessary mitigation measures. As indicated above, part of the Project is approval of Development Agreements for the Project parcels. If the DEIR does not explain and analyze these site-specific studies, it fails to explain and analyze the hydrologic impacts of the Project – the redevelopment of the Project parcels for residential uses.

These are not academic concerns. As indicated at the outset of Section 3.8, the Project will affect water courses and areas downstream of the Project parcels including Laguna Woods Village. Without a full analysis of these downstream impacts and a discussion of necessary mitigation measures, if any, the DEIR fails to provide a full analysis and explanation required by CEQA. More importantly, as discussed below, without a full analysis, the City cannot make the findings necessary for any statements of overriding considerations for any significant and unmitigated impacts.

Impact 3.8-2 recognizes that the Project parcel grading “. . . are likely to affect existing drainage patterns and may alter watercourses.” DEIR at 3.8-28. The DEIR states that:

“MM 3.8-1 will reduce these potential impacts to below significance, as it requires project developers to provide a water quality management plan prior to grading.”

DEIR at 3.8-29. However, it is unclear how the Water Quality Management Plans will address drainage changes and re-routing of water courses. Of course, the Project and development on all Project parcels must comply with the requirements of Sections 401 and 404 of the Clean Water Act, 33 U.S.C. Sections 1341 and 1344, relevant EPA Regulations including 40 C.F.R. Sections 230-33, and Fish and Game Code section 1603. However, the DEIR contains none of this analysis, discussion or explanation. All of this awaits the Project site-specific analyses. As indicated above, this piecemeal methodology fails to comply with the requirements of CEQA. It also defers discussion of Project impacts and mitigation measures which as noted above violates other requirements of CEQA. The DEIR should be revised to include these Project site-specific analyses, consider any Project features which may lessen hydrologic impacts, and propose any necessary mitigation.

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Impact 3.8-3 concludes that the Project will have less than significant impacts on groundwater resources with regulatory compliance. The DEIR states:

“Additionally, potential groundwater quality degradation will be less than significant, since only a portion of the Proposed Project overlays the groundwater basin and compliance with NPDES General Construction Activity and Industrial Permits, the DAMP, the Groundwater Management Plan, City of Lake Forest Codes, and County of Orange codes will prevent discharges of pollutants to groundwater or landscapes where they may infiltrate to groundwater. Compliance with existing regulations would reduce potential impacts to a less-than-significant level.”

DEIR at 3.8-29. As discussed immediately below, this conclusion is surprising given the fact that the Project will have significant and unmitigated impacts on water quality. See Impact 3.8-4 and discussion therein. If the Project will release pollutants such as sediment, metals and chlorpyrifos and diazinon into surface watercourses or perhaps even groundwater resources, then, as discussed in the DEIR, such pollutants may reach groundwater resources including important groundwater basins used by IRWD for production of potable water supplies.

Moreover, as indicated above, much of the water quality analysis must await the preparation of the Project parcel site-specific water quality plans. The DEIR does not contain these and contains no reference to any site-specific water quality studies. The DEIR should be revised to make the analysis of Impacts 3.8-4 and 3.8-4 consistent, to discuss impacts to groundwater resources from Project related pollutants, and propose necessary mitigation.

As indicated above, Section 3.8-4 contains the surprising conclusion that the Project will adversely “affect water quality of receiving waterbodies and thus degrade water quality.” DEIR 3.8-30. The DEIR concludes that this impact is significant and unmitigated.

Having arrived at this conclusion, it is unclear Mitigated Measure MM 3.8-1 will accomplish anything: the impacts will be allowed. MM 3.8-1 provides:

“Prior to approval of a Parcel Map or a Tentative Tract Map (whichever comes first), the applicant shall submit a Water Quality Management Plan (WQMP), including a hydrology study, if appropriate, for review and approval of the City Engineer. The Plan shall include Best Management Practices (BMPs) in accordance with the latest City of Lake Forest Water Quality Management Plan Template User Guide and include stormwater detention/retention features, if necessary, to mitigate impacts of changes in stormwater rates or volumes as identified in the site-specific hydrology study.”

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DEIR at 3.8-38. As discussed throughout, the program level analysis of the DEIR also attempts to move at a project level: it attempts at once to be a regulatory program but also entitle specific sites. The DEIR fails in this effort and MM 3.8-1 is simply one instance of this failure.

If, as Impact 3.8-4 states, the Project will have significant and unmitigated water quality impacts, then the Water Quality Management Plans are really irrelevant: since the impacts cannot be mitigated, the Plans will be deemed adequate whatever measures they include. Obviously, this result is unacceptable. The conclusion that the Project will have significant and unmitigated impacts cannot be determined unless and until the Project site-specific WQMPs together with the required site-specific hydrology studies are finished. Without such studies, the DEIR cannot conclude that the Project will have such significant and unmitigated impacts, because the site-specific studies may have project features which will lessen then impact or mitigation measures which otherwise handle the impacts. The DEIR must not defer this analysis and the preparation of necessary mitigation measures.

If these impacts are significant and unmitigated, the WQMPs and the hydrology studies will not lessen the impact. The WQMPs and the hydrology studies are superfluous. For Laguna Woods Village, such studies are not superfluous and unnecessary. They are very necessary in order to understand the full extent of the Project's water quality impacts.

Further, additional mitigation measures are feasible. The City and the landowner applicants could adopt a variety of measures which would eliminate water quality impacts downstream. They could require that all flows are retained and detained on the site. They could adopt other best management practices including wetlands treatment similar to IRWD's NTS treatment system. Together with this strategy, they could treat all surface water, collect and dispose of the pollutants and release the clean water.

The DEIR should be revised to revise Impact 3.8-4 to consider all Project site-specific WQMPs and their hydrology studies, consider additional Project features and best management practices which will eliminate the pollutants, and propose all necessary mitigation measures including full treatment of all surface water runoff. The DEIR's failure to propose all necessary mitigation measures violates CEQA's requirements that analysis of impacts and development of appropriate mitigation measures not be deferred.

B. Section 3.9: The Land Use Analysis Flawed and Inadequate, Fails to Explain Crucial Issues and Impacts, and Fails to Propose Necessary Mitigation.

Section 3.9 discusses Land Use impacts of the Project. Section 3.9.2 attempts to discuss the history of development and land uses within the City. It is misleading.

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Section 3.9.2 suggests that the City is largely residential with much of the land use regulation governed by residential planned community texts. Section 3.9.2 then takes up the Project parcels and suggests that these are governed by similar residential planned community texts. However, the Project parcels differ substantially from the residential planned communities in the rest of Lake Forest: these are planned communities governed by texts for commercial and industrial uses. However, Section 3.9.2 fails to discuss this difference: the implication is that the Project and the development of the Project parcels are consistent with development in the rest of Lake Forest. That is incorrect. As discussed more fully below, the Project and the change of entitlement for the Project parcels requires General Plan Amendments and Zoning Code changes for the Project residential uses.

Impact 3.9-1 discusses the potential that the Project conflicts with local land use laws. Although the Project is inconsistent with the General Plan and Zoning Code, Impact 3.9-1 concludes that the impact is less than significant because the Project includes General Plan Amendments and Zoning Code changes. This analysis is superficial and fails to satisfy the explanatory requirements of an EIR under CEQA.

More importantly, Impact 3.9-1 fails to discuss and explain the significance of the following Project feature:

“[T]he Proposed Project also includes an amendment to the Mixed Use land use category as described in the General Plan to allow High Density Residential uses within Mixed Use areas.”

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Impact 3.9-1. However, this impact is never discussed and the effect of this introduction of high density residential into the Project Area’s mixed use areas may create significant impacts in a rural area such as the Project Area. The DEIR should be revised to address such impacts and, if necessary, propose adequate mitigation. The City should then re-circulate the revised DEIR for public comment and review.

Impact 3.9-1 also discusses the Project’s consistency with Lake Forest’s General Plan in Table 3.9-3. This Table fails to explain fully the consistency, raises many questions and may create several problems.

For instance, Table 3.9-3 recognizes that the General Plan through its Housing Element strives to encourage affordable housing. According to this Table, the Project facilitates this goal by:

“An Affordable Housing Implementation Plan (AHIP) will be included in individual development agreements in order to ensure affordable housing. Affordable housing would be provided on site for most of the sites.”

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However, as indicated above, the Development Agreements are still in negotiation and are not part of the DEIR. In order for the public to understand if and how the Project is consistent with or furthers this affordable housing goal, it must be able to review and comment on the Development Agreements.

Or again, Table 3.9-3 concludes that the Project is consistent with land use goals that developments are compatible with surrounding land uses and infrastructure availability. The Table states:

“The issuance of Site Development Permits as part of specific development proposals would require review by the City of project compatibility with adjacent areas.”

Along similar lines, Table 3.9-3 explains that the Project will avoid disruptive and non-conforming buildings and uses by:

“The issuance of Site Development Permits as part of specific development proposals would address potential land use conflicts.”

Neither of these explain how the Project is compatible with its surroundings and avoids conflicts; these impermissibly defer the analyses to another day when the Site Development Permits are issued when the impacts are then assessed and mitigation proposed. However, as indicated above, the DEIR must analyze all of the Project's impacts including these land use impacts. Moreover, as indicated above, the DEIR attempts to function at several levels including providing the basis for approving the Development Agreements for the Project parcels. Under CEQA, an EIR should explain fully the potential impact. Here, the DEIR promises such review but does not provide it.

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Finally, and importantly, Table 3.9-3 addresses the Project's consistency with the General Plan's Public Facilities and Growth Management Element. Policy 7.1. states that Lake Forest and developers will:

“Work closely with the County of Orange, Caltrans, surrounding jurisdictions, and other transportation agencies to provide needed transportation facilities.”

DEIR at 3.9-12. The Table concludes that the Project is consistent with this Policy because:

“The traffic facilities that are addressed in this EIR either as part of the Proposed Project or as mitigation reflect coordination with the transportation planning efforts of the County of Orange, Caltrans, and surrounding jurisdictions, such as the City of Irvine.”

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Id. However, as indicated below and in other comment letters, such coordination and mitigation for traffic impacts is not occurring elsewhere. The DEIR should be revised so that the public will understand the coordination efforts, the DEIR will ensure that the coordination efforts are actually occurring and the DEIR will provide any necessary mitigation measures.

Impacts 3.9-2 and 3.9-3 discuss the Project compatibility with surrounding properties and land uses. Impact 3.9-2 discusses the Project parcels owned by participating landowners; 3.9-3 discusses the Project parcels owned by non-participating landowners.

Impact 3.9-2 discusses the impacts of the Project residential parcels primarily and notes that consistency and compatibility come from the General Plan and Zoning Code requirements, the Site Development Permits, and systematic enforcement of these requirements. Presumably, the Development Agreements will also give Lake Forest additional means to control land use and ensure compatibility. As to the latter, the DEIR does not mention the Development Agreements.

In addition, as indicated above, neither the Development Agreements nor the Site Development Permits and their conditions are discussed or included in the DEIR. The DEIR defers these documents to some future date. If the public is to understand how the Project is compatible with surrounding land uses, the DEIR should include these documents and discuss in detail how these ensure that the Project is compatible with surrounding properties and land uses. Moreover, since the analysis of Project impacts is deferred, the DEIR also improperly defers discussion and development of any necessary mitigation measures.

Impact 3.9-3 addresses the impacts of the Project's non-participating landowner's site and the site of community facilities including a city hall facility. Impact 3.9-3 notes that such community facilities would be compatible with residential and commercial uses, and with appropriate buffers or set backs would be compatible with agricultural uses and industrial uses. However, Impact 3.9-3 fails to recognize that the landowner of this Project parcel is not participating in the development effort. The Project may have a significant impact on land use for this site.

The DEIR should be revised to address all of these issues and to propose any necessary mitigation, and should be re-circulated for public review and comment.

C. Section 3.11: the Analysis of Project Impacts on Population and Housing Is Incomplete and Fails to Discuss the Project's Impacts on Affordable Housing and Any Necessary Mitigation.

Section 3.11 addresses the Project's impacts on population and housing. The discussion concludes that the Project has little or no impacts on such resources.

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However, the Project is likely one of the last large residential projects in Lake Forest. The DEIR notes that the Southern California Association of Governments ("SCAG") determines the City's Regional Housing Needs Assessment ("RHNA"). It notes that, for the period ending 2005, SCAG determined that the City needed 183 affordable housing units. The DEIR further notes that as a result of various projects, the City had satisfied the RHNA requirements for all but 107 affordable housing units.

The DEIR also notes that Lake Forest's General Plan's Housing Element provides incentives for affordable units and requires 15% of new units to be devoted to affordable housing.

However, it is unclear that the discussion of affordable housing is complete. First, the RHNA numbers are stale: SCAG will set new RHNA numbers within two years. Given the appreciation of housing in the City, likely the numbers will increase. The DEIR should be revised to include the appropriate RHNA numbers and reflect the likely increase in such numbers.

Second, it is unclear that the Project is required to have 15% percent affordable housing units. The DEIR fails to discuss any Project requirements for affordable housing. As indicated above and in the DEIR, the Project is likely one of the last large housing projects within Lake Forest. The Project must bear its share of affordable housing. As indicated above but discussed nowhere in Section 3.11, the Development Agreements for the Project parcels will include affordable housing requirements. However, these Agreements are not part of the DEIR and are not discussed in Section 3.11. The DEIR should be revised to provide the Development Agreements and/or their terms and to discuss the Project's affordable housing requirements.

D. Section 3.14: The Analysis of Project related Transportation/Traffic Impacts is Incomplete, Relies on Incomplete or Dated Information, and Fails to Propose Adequate and Feasible Mitigation Measures.

Section 3.14 attempts to analyze the Project's impacts on transportation and traffic in the Project Study Area which compromises all intersections within the City and other select intersections including El Toro & Avenida Carlota, Paseo de Valencia & Avenida Carlota, and Lake Forest & I-5/Carlota. It also attempts to analyze impacts on an Extended Study Area which includes the Study Area as well as parts of the cities of Irvine, Laguna Hills, Laguna Woods and Mission Viejo.

Section 3.14.2 discusses the environmental traffic setting including regional characteristics, i.e. impacts in the Extended Study Area. However, the exact extent of the Extended Study as well as the traffic data for this Extended Study Area is problematic, incomplete and truncated. Section 3.14 is based upon the July 2005 Vacant Land Opportunities

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Phase III Traffic Study by Austin-Foust Associates (the "Traffic Study") attached as Appendix I to the DEIR. The Traffic Study indicates that the traffic forecasts for the Extended Area are based upon the North Irvine Transportation Mitigation ("NITM") Program which covers the area of North Irvine known as the Northern Sphere. This raises several concerns.

First, the NITM Program area does not include any intersections south of I-5 including intersections within Laguna Hills and Laguna Woods. Given that the data for the Extended Study Area comes from the NITM Program, it is unclear that the data and conclusions of the Traffic Study and Section 3.14 are correct as to other intersections, including intersections in Laguna Woods and any intersections near Laguna Woods Village.

Further, the DEIR contains little information regarding intersection traffic volumes or mid-block traffic numbers in the Extended Study Area. The DEIR should be revised to include such current data for all intersections within the Extended Study Area including Laguna Woods.

In addition, the existing conditions studied in the NITM Program occurred prior to 2003. The DEIR indicates that Irvine traffic data was updated through 2005. Nonetheless, much of the data is stale. This stale character permeates throughout the Traffic Study and Section 3.14.

"The arterial volumes are from 2004 counts and the volumes on I-5 and SR-241 are 2003 counts provided by Caltrans and the Transportation Corridor Agencies (TCA).

"Peak hour intersection turn movement counts were collected for the City of Lake Forest . . ."

According to the Traffic Study, the data from Lake Forest was collected in 2004. See Traffic Study at C-4.

The DEIR was released in 2006 and projects traffic into 2030. It is imperative that the traffic data be fresh and current. As recognized in a respected CEQA treatise stated for cumulative impacts, "[t]he summary-of-projections approach may present problems if the projections in the general plan or related planning document are inaccurate or outdated." 1 Kostka & Zischke, Practice under the California Environmental Quality Act, § 13.39, p. 537.

Here, the traffic data is stale, old and incomplete. This is particularly important to assess traffic impacts of the Project in and around Laguna Woods Village. The DEIR should be revised to consider current traffic studies in Laguna Woods and the surrounding areas in the same way that the DEIR considered the traffic data in Irvine.

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As for the actual DEIR data, Table 3.14-1 indicates that the intersections at both Ridge Route & Moulton Parkway, and Santa Maria & Moulton Parkway currently operate at Level of Service ("LOS") A. Busy intersections in the area operate as low as LOS D. See Table 3.14-1, El Toro Road & Moulton Parkway. Except for the El Toro & Moulton intersection, traffic in the Laguna Woods area generally flows freely and without interruption.

Among the existing conditions, the DEIR notes that the traffic circulation system for the 2030 projections are based upon the Orange County MPAH. Among these improvements are the extension of Ridge Route Drive to Bake Parkway and the extension of Santa Maria to Laguna Canyon Road. Importantly, Table 3.14-4 only notes a portion of the Ridge Route Dr. extension and does not include the Santa Maria extension. As stated in Irvine's Draft Environmental Impact Report (the "Irvine DEIR PA 18/39") for proposed General Plan and Zoning Code amendments for Planning Areas ("PA") 18, 34, 39, and Lot 109 of PA 33 Planning Area (the "Irvine PA 18/39 Project"):

"Should the GPA/ZC currently being considered by the City of Lake Forest be approved and/or the MPAH amendment to delete the extensions of Bake Parkway, Ridge Route, and Santa Maria be adopted by the Orange County Transportation Authority, this list of improvements shall be modified consistent with Chapter 8 of the traffic study in Appendix I."

Irvine DEIR PA 18/39 at page 5.14-111. A similar point applies to the DEIR: if either the Ridge Route extension or the Santa Maria extension is deleted from the MPAH, the DEIR must recognize this change in the circulation system for the 2030 projections. Moreover, without these completed roadways, projected traffic impacts to the intersections of Ridge Route and Santa Maria will transfer to other congested intersections. The DEIR must address these impacts on the changed circulation system.

In addition, it is important to recognize that the Irvine DEIR PA 18/39 concludes that the Project may have significant and unmitigated impacts on intersections in Laguna Woods including the intersection at Santa Maria & Moulton. It notes:

"While there are intersection and/or roadway improvements identified to mitigate all project impacts to a level considered less than significant, the mitigation for impacts at the following locations require approval from Caltrans or the cities of Laguna Hills and Laguna Woods. Because the City of Irvine cannot require another agency to implement these improvements, these impacts are considered potentially significant and unavoidable."

Irvine DEIR PA 18/39 at 6-1,-2. However, the Irvine PA 18/39 DEIR states that Irvine will pay fair share fees for such impacts. The DEIR should be revised to address these impacts, the

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cumulative impacts of the Project and the Irvine PA 18/39 Project and related projects, and propose the necessary mitigation.

As discussed below, the cumulative impacts of the Project together with past, present and future projects, these intersections will suffer even more. As noted above, and in contrast to the Irvine DEIR 18/39 which includes the Project, the DEIR's cumulative and related project list does not include the Irvine 18/39 Project. The Irvine 18/39 Project is similar to the Project: conversion of over 2,000 acres from commercial and industrial to over 7,600 houses with the attendant traffic impacts (and 5,300 houses over existing General Plan designations). It is surprising that the cumulative and related projects list does not include the Irvine 18/39 Project, because Lake Forest commented on Irvine's initial study for the Project. See Irvine DEIR PA 18/39 at 2-4 and Appendix A.

The DEIR must be revised to analyze Project impacts on traffic in the Extended Study Area including Laguna Woods Village, the cumulative impacts of the Project together with the Irvine 18/39 Project, any changes to the MPAH and its impacts on the 2030 projections, the Project's impacts and the cumulative impacts of the Project and other area projects including the Irvine 18/39 Project on 2030 traffic with the amended MPAH and propose any necessary mitigation.

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Section 3.14.3 discusses the planning and regulatory framework for the Study Area and Extended Study Area circulation system. Among other programs, the DEIR identifies the NITM Program which it describes as establishing "a funding mechanism for the transportation improvement mitigation measures identified in EIRs for Irvine and Orange County projects. The NITM Program identified intersections in Lake Forest with a specific funding share.

Interestingly, Section 3.14.3 includes the Lake Forest Traffic Mitigation ("LFTM") Program. However, the City has not adopted the LFTM Program. In fact,

"The proposed project includes the adoption of the Lake Forest Traffic Mitigation (LFTM) Program. The LFTM Program is a set of citywide transportation improvements designed to maintain adequate levels of service on the City's arterial street system. . . . The LFTM program is designed to mitigate both potential impacts of the Proposed Project and the existence of unfunded MPAH improvements . . ."

DEIR at 3.14-25. Several problems arise with this feature of the Study Area and Extended Study Area planning and regulatory framework. First, the LFTM Program does not exist: it is not currently part of the regulatory framework.

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Second and importantly, although the DEIR states that LFTM Program is part of the Project, the DEIR contains no specifics regarding the program other than Table 3.14-7 which identifies LFTM improvements. Indeed, the DEIR does not contain the LFTM Program as an Appendix.

Third, as noted above, the NITM Program included traffic improvements within Lake Forest. The LFTM Program should also include traffic improvements outside of Lake Forest and in Laguna Woods including improvements for the Moulton intersections at Santa Maria and Ridge Route and any others affected by the Project.

Finally and most importantly, although the LFTM Program will ensure Project related traffic impacts within Lake Forest may be mitigated, it will create impacts and exacerbate traffic impacts in the Extended Study Area including in and around Laguna Woods and Laguna Woods Village. The DEIR notes:

"The LFTM Program builds on those citywide improvements that are currently committed and funded without dependence on the unfunded MPAH improvements. It establishes the additional improvements needed to achieve acceptable level of service (LOS) standards and establishes a process for the timing, prioritization and monitoring of improvements."

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DEIR at 26. However, by ensuring Project mitigation of traffic impacts within Lake Forest, it will move the impacts to the Extended Study Area outside Lake Forest. Assuming that the Ridge Route intersections and the Santa Maria intersections are deleted from the MPAH, traffic impacts will move to other intersections and exacerbate the Project related impacts of those intersections, e.g. the Moulton intersections, El Toro intersections or Avenida Carlota intersections.

Section 3.14 discusses methodology of the traffic analysis. It raises several issues. First, the basis for the DEIR's traffic forecasts is the newly developed Lake Forest Traffic Analysis Model ("LFTAM"). According to the DEIR, the LFTAM is derived from the Orange County Traffic Analysis Model ("OCTAM") maintained by the Orange County Transportation Authority ("OCTA"). As indicated above, the traffic forecasts for the Extended Study Area are based upon the NITM Program and its traffic model.

However, it is doubtful or at least unclear whether the LFTAM contains any correct information regarding traffic conditions in the Extended Study Area outside the NITM Program area, i.e. outside of the Irvine area. The DEIR and the Traffic Study should be revised to use current traffic data from areas in the Extended Study Area which are outside of Irvine including Laguna Woods and the surrounding area.

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Further, it is unclear how the LFTAM correlates with other area traffic models including the OCTAM. Neither the DEIR nor the Traffic Study discuss in depth the changes or modifications made in the LFTAM for 2030 forecasting. This is especially true given the LFTM Program. The Program assumes that Lake Forest intersections will function well regardless of changes in the MPAH. The DEIR must explain what happens to intersections in the Extended Study Area when these must handle Project traffic exiting Lake Forest into the even more constrained Extended Study Area intersections. That is, the DEIR should address Project traffic distribution together with other past, present and future project traffic in the Extended Study Area under the constrained scenario of amendments to the MPAH.

Table 3.14-9 tabulates the methodology and assumptions used in Section 3.14. The Mitigation Requirement levels are curious:

"For ICU greater than the acceptable level of service, mitigation of the project contribution is required to bring intersection back to acceptable level of service or to no-project (existing General Plan) conditions if project contribution is greater than .03 at CMP locations outside the Cities of Lake Forest and Irvine (the impact threshold specified in the CMP) and .02 or greater for all other intersections in the Traffic Study Area."

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DEIR at 3.14-28. This shows the continued ad hoc character of the Extended Study Area analysis. Mitigation is required at area intersections if the Project's contribution is greater than .03 at Congestion Management Plan ("CMP") intersections except for Lake Forest and Irvine intersections where the mitigation requirement is .02 or greater. The exception shows the bias of the LFTM Program and the DEIR, and more importantly, the exception is without reasonable basis. Project related traffic impacts at the same level should be mitigated in the same way. That is, when Project related traffic adversely affects an Extended Study Area intersection in Laguna Woods at .02, it should require mitigation as much as Irvine or Lake Forest intersections similarly affected including fair share contributions to improvements and right of way acquisition along affected roadways, e.g. Moulton Parkway, and affected intersections, e.g. Santa Maria & Moulton and Ridge Route & Moulton.

In addition, the DEIR's discussion of the General Plan conditions is unclear. As discussed above, the Project parcels are currently "entitled" which, as explained in the DEIR and the Traffic Study, would generate a substantial amount of traffic including high numbers of average daily trips and peak hour trips. The development agreements or the environmental documents for this entitlement likely included substantial traffic improvements such as the DEIR promises traffic improvements and as likely promised in the Development Agreements. However, the DEIR fails to discuss the traffic improvements required for the existing General Plan scenario. The DEIR and the Traffic Study should be revised to discuss these improvements and related mitigation measures for the General Plan scenario's traffic impacts.

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Further, if such improvements have not been completed, then the DEIR's and Traffic Study's analysis, baseline figures and traffic analysis should be revised to reflect this and reduce the traffic figures to reflect the true character of the Study Area and the Extended Study Area. The DEIR should be revised and re-circulated to address these issues.

Impact 3.14-1 discusses Project related traffic impacts in the Study Area and Extended Study Area. It concludes that the Project will have a less than significant impact on traffic in these areas. The reason for this surprising conclusion is that the DEIR compares the 2030 traffic projections for full area build-out (all projects in the cumulative and related projects list) together with the Project with the 2030 General Plan scenario without the Project. However, as noted above, the cumulative and related projects list is incomplete: it omits the Irvine PA 18/39 Project. As indicated in the Irvine DEIR PA 19/39, this Project together with the Irvine PA 18/39 Project may have, and likely will have, significant impacts on the Extended Study Area circulation system including the streets of Laguna Woods. The DEIR should be revised to include a discussion of the full build out scenario including the Irvine PA 18/39 Project and propose any necessary mitigation.

This methodology is suspect for several reasons. First, CEQA requires that the Project's impacts be determined from the existing baseline, that is, what is currently on the ground.

Second, this determination conflicts with Section 5.2's discussion of Significant and Unmitigated Impacts. It finds that important intersections in and around Laguna Woods Village will be severely and adversely affected including the intersections along Moulton Parkway at Santa Maria and at Ridge Route. Section 5.2 states:

"The project's contribution to these cumulative impacts may be cumulatively considerable when compared to existing conditions."

DEIR at 5-3.

Further, the DEIR concludes that seven (7) intersections within the Study Area and three (3) intersections in the Extended Study Area are affected by Project related traffic. It notes that improvements to these intersections are already part of the LFTM Program which is part of the Project. See Table 3.14-7.

However, this is problematic. CEQA requires that such mitigation measures actually occur. A commitment to provide mitigation without any evidence or timeframe that mitigation will actually occur is inadequate. Kings County Farm Bureau v. City of Hanford (1990) 221 Cal. App. 3d 692.

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Here, the DEIR does not explain the LFTM Program or discuss its terms. The DEIR contains no specifics about the LFTM's time lines for making the intersections improvements set forth in Table 3.14-7. The timing of the mitigation is simply left to some unknown future date. That is not adequate mitigation under CEQA.

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The DEIR should be revised to include a discussion and commitment to a date certain for the LFTM Program traffic improvements.

V. Section 5: "Other" CEQA Considerations – The Buried but Important Unresolved Issues.

Under the guise of addressing other miscellaneous issues, Section 5 address important and mandatory analyses, including impacts which are significant and unavoidable and cumulative impacts. The DEIR's discussion of both areas is deficient.

A. Section 5.1: The DEIR Improperly Gives Up with its Discussion of Significant and Unavoidable Impacts.

As indicated above, the DEIR concludes that the Project will have significant and unmitigated water quality impacts even after the implementation of state of the art BMPs and mitigation measures. As also discussed above, this is improper.

The DEIR cannot at this stage make that determination. It attempts to make this determination because of its program level analysis. However, the development of the individual Project parcels must devise some measure to limit water quality impacts to a level of insignificance with mitigation. As indicated above, these measures may include on site retention, in stream treatment, and other feasible mitigation measures.

Also, as indicated above, the DEIR concludes that the Project may significantly contribute to intersection failures along Moulton Parkway including at Santa Maria and Ridge Route. However, if the LFTM were broadened to include other improvements in the Extended Study Area, in addition to the Irvine improvements, the LFTM and the Project may contribute to curing the problems with these Moulton Parkway intersections.

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The DEIR concludes that a surprising number of impacts are significant and unmitigated. For instance, the DEIR concludes that the Project's impacts on air quality, water quality and transportation are significant and unmitigated. It may seem that this strategy is safe and without penalty. This appearance is incorrect for several reasons.

First, a lead agency may approve an EIR which finds that a project will have significant environmental impacts only if it finds such effects can be mitigated or concludes that

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unavoidable impacts are acceptable because of overriding concerns. Public Resources Code section 21081; CEQA Guidelines sections 15091 and 15092. Further,

“If approval of the project will result in significant environmental effects which ‘are not at least substantially mitigated, the agency shall state in writing the specific reasons to support its action based on the final EIR and/or other information in the record.’ (Guidelines, § 15093, subd. (b).) These reasons constitute the statement of overriding considerations which is intended to demonstrate the balance struck by the body in weighing the ‘benefits of a proposed project against its unavoidable environmental risks.’ (Guidelines, § 15093, subds. (a) and (c).)

Sierra Club v. Contra Costa County (1992) 10 Cal. App. 4th 1212, 1222. This decision must be supported by substantial evidence. Id.

Here, the City cannot simply certify the DEIR and adopt a statement of overriding considerations by exercising its discretion. Its decision must be supported by substantial evidence. As indicated above, substantial evidence does not support a statement of overriding considerations for several reasons: certain impacts, e.g. water quality and traffic, are able to be mitigated; other impacts require further site specific analysis which may result in less than significant impacts with mitigation.

Second, and importantly, even assuming that the City can adopt a statement of overriding considerations for certain impacts including water quality and traffic, such a decision may give rise to civil liability for damages to private property owners as well as affected public agencies. The DEIR’s conclusions that Project impacts may be significant and unmitigated may injure private property in violation of Fifth Amendment of the United States Constitution and Article I, Section 19 of the California State Constitution. In addition, developers of the Project may also be subject to liability under various theories including nuisance, trespass and negligence.

Finding that the Project will have significant and unmitigated impacts is not immune from review or from liability. The City should carefully consider not certifying the DEIR if it is not revised. As indicated throughout, the better course is to revise the DEIR, prepare a full and careful environmental analysis, propose any necessary mitigation, and re-circulate it for public review and comment.

B. Section 5.2: The DEIR Omits Significant and Important Projects which May have Cumulative Impacts.

As indicated above, the cumulative and related projects list contained in Tables 1-1 and 1-2 is incomplete: it omits a significant and important project, the Irvine PA 18/39 Project.

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This omission undercuts the entire cumulative impacts analysis. As indicated in the Irvine PA18/39 DEIR, the impacts of this Project together with the Irvine PA 18/39 Project will be cumulatively considerable. Yet the DEIR does not even consider them. The DEIR should be revised in its entirety to include all cumulative and related projects including the Irvine PA 18/39 Project, analyze all cumulative impacts, propose Project related mitigation measures and then be re-circulated for public comments.

Section 5.2 indicates that the cumulative impacts of related projects together with the Project will have significant and cumulative impacts on water quality and water resources. Section 5.2 suggests that the ultimate determination of such impacts and mitigation must await ultimate build-out. This is incorrect and continues to adopt the piecemeal approach forbidden by CEQA. If every project in the cumulative and related projects list bears its own water quality burden, i.e. fully mitigates water quality impacts, the future is certain: neither San Diego Creek nor Aliso Creek will suffer.

However, the Project does not propose to bear its own water quality burden. The DEIR suggests that:

“The project would therefore contribute to a significant cumulative impact of pesticides on the watershed.”

As indicated above, this is truly surprising. A whole host of BMPs and mitigation measures are available to mitigate such impacts: eliminate the use of harmful pesticides, exclusive use of native vegetation, and, if necessary, treatment of surface water runoff.

As for traffic, as indicated above, Section 5.2 concludes that, under the cumulative analysis, the Project may contribute significant and unmitigated traffic impacts to intersections along Moulton Parkway including at Santa Maria and at Ridge Route. As also indicated above, the answer to these impacts is to include these intersections in the LFTM Program so that the Project can bear its fair share of costs for the Project related cumulative traffic impacts.

VI. Conclusion: The DEIR is Seriously Flawed; It Must be Revised and Re-Circulated.

As indicated throughout, the DEIR is wholly inadequate for a whole host of reasons: it fails to explain the full Project which includes development of the Project parcels; It fails to analyze the impacts of the full Project including Project impacts on hydrology and water quality, housing, and on traffic; and it omits important and significant Projects from the cumulative and related projects list. In addition, we reserve the right to supplement these comments in the hearing process on the DEIR.

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Gayle Ackerman, Director

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For all of these reasons and others that may be presented at the hearings on the DEIR, it should be totally revised to address these and other concerns and then re-circulated for public comment.

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Again, thank you for the opportunity to comment on the captioned document for the captioned Project. We look forward to participating in the public hearing process, receiving responses to these and other comments, and commenting on those responses at the appropriate public hearings. Of course, should you have any questions, please do not hesitate to contact us.

Sincerely,

LAW OFFICES OF ROBERT C. HAWKINS



By: Robert C. Hawkins

RCH/kw

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■ Response to Comments: GRFO

RTC GRFO-1 See Topical Response 2. CEQA Guidelines Section 15146 discusses the degree of specificity required in an EIR, stating as follows:

The degree of specificity required in an EIR will correspond to the degree of specificity involved in the underlying activity which is described in the EIR.

(a) An EIR on a construction project will necessarily be more detailed in the specific effects of the project than will be an EIR on the adoption of a local general plan or comprehensive zoning ordinance because the effects of the construction can be predicted with greater accuracy.

(b) An EIR on a project such as the adoption or amendment of a comprehensive zoning ordinance or a local general plan should focus on the secondary effects that can be expected to follow from the adoption or amendment, but the EIR need not be as detailed as an EIR on the specific construction projects that might follow.

As detailed more fully in the Office of Planning and Research's (OPR's) discussion of this Guideline section:

As with the range of alternatives, the level of analysis provided in an EIR is subject to the rule of reason. The level of specificity for a given EIR depends upon the type of project. The analysis must be specific enough to permit informed decision making and public participation. The need for thorough discussion and analysis is not to be construed unreasonably, however, to serve as an easy way of defeating projects. What is required is the production of information sufficient to understand the environmental impacts of the proposed project and to permit a reasonable choice of alternatives so far as environmental aspects are concerned. See *Laurel Heights Improvement Association v. Regents of the University of California* (1988) 47 Cal. 3d 376. In *Antioch v. Pittsburg* (1986) 187 Cal. App. 3d 1325, the court held that EIR requirements must be sufficiently flexible to encompass vastly differing projects with varying levels of specificity. When the alternatives have been set forth in this manner, an EIR does not become vulnerable because it fails to consider in detail each and every conceivable variation of the alternatives stated.

In general, given the program-level of information available about the project, the analysis in the EIR is generally of a program-level of detail. To the degree that more project-level information is available, it is reflected in the level of analysis in the PEIR. In this way, the PEIR has complied with CEQA guidance regarding level of specificity.

- RTC GRFO-2 The proposed project consists of a General Plan Amendment and Zoning Change to allow for the specified type of development. The project description adequately describes the land use program proposed. Should the project be approved, project-level planning will occur. Subsequent or supplemental environmental review, tiered from this PEIR will occur at that time, to assess project-level impacts. See Topical Response 2. This type of tiered approach is both anticipated and encouraged by CEQA (see CEQA Guidelines Section 15152).
- RTC GRFO-3 Should the project be approved, project-level planning will occur. Subsequent or supplemental environmental review, tiered from this PEIR will occur at that time, to assess project-level impacts. See Topical Response 2. This type of tiered approach is both anticipated and encouraged by CEQA (see CEQA Guidelines Section 15152).
- RTC GRFO-4 The commenter fails to identify the “crucial issues and impacts” allegedly omitted from the analysis. Specific comments are addressed in the responses which follow.
- RTC GRFO-5 As noted on page 3.11-11 of the Draft PEIR: “a percentage of the housing units to be developed under the Proposed Project would be required to be affordable, pursuant to an Affordable Housing Implementation Plan and through the Development Agreement for each site.” Housing affordability is not an environmental issue identified on the standard CEQA Initial Study checklist. (See CEQA Guidelines Appendix G).
- RTC GRFO-6 Any specific traffic impact analysis comments raised by the commenter are addressed in the responses which follow.
- RTC GRFO-7 Any specific cumulative impact analysis comments raised by the commenter are addressed in the responses which follow.
- RTC GRFO-8 These comments state the commentator's understanding of the law only and do not present any specific issue for which a response can be provided.
- RTC GRFO-9 These comments state the commentator's understanding of the law only and do not present any specific issue for which a response can be provided.
- RTC GRFO-10 The City appropriately prepared a Program EIR for the proposed project. As is described extensively in the Draft PEIR, the project includes a series of actions that are related geographically, as logical parts of a chain on contemplated actions, in connection with the issuance of rules, regulations, and plans for the project, and as individual activities carried out under the same authorizing authority. As such, the project components meet not one, but all four of the criteria spelled out in CEQA Guidelines 15168.

The comment mischaracterizes the court in Al Larson Boat Shop, Inc. v. Board of Harbor Commissioners (1998) as holding that a program EIR is improper for a general plan amendment. In fact the case upheld a program EIR for a general plan

amendment and notes that “the level of specificity of an EIR is determined by the nature of the project and the ‘rule of reason,’ rather than any semantic label accorded to the EIR.” (citation omitted). The DRAFT PEIR appropriately considers the entire project at a program level, and meets the criteria contained in the CEQA Guidelines for program EIRs. Moreover, as suggested by the court in Al Larson Boat Shop Inc., the label attached to an EIR is less important than the analysis it contains.

And curiously, one of the Golden Rain Foundation’s comments regarding the Draft PEIR is that it is too long, in other words that it contains too much detail and analysis. Indeed the Draft PEIR does present a great deal of information, but it is organized with indices, charts, summaries, and graphics that allow the critical information to be quickly absorbed.

The Golden Rain Foundation further suggests that the Draft PEIR is inadequate because the City may use it as CEQA clearance for specific steps of project implementation without preparing a supplemental EIR. But the Golden Rain Foundation’s complaint is misplaced; the CEQA Guidelines permit program level EIRs to be used as the basis for approving subsequent project activities where no new effect could occur or no new mitigation measure would be required (CEQA Guidelines 15168(c)(2)). When subsequent project implementing measures are approved, the City will undertake the appropriate analysis to determine whether the program EIR is sufficient environmental analysis or whether additional CEQA review is required.

RTC GRFO-11 Pesticide impacts are identified as significant due to the “one-molecule” problem. Since the waterway is already impaired for pesticide as discussed on pages 3.8-30 to 3.8-37, any project-contribution to pesticides within the waterway would constitute a significant impact. Even with BMPs it is impossible to eliminate the potential for pesticides entering the waterway. Whether or not a project or program-level EIR was prepared, the conclusion would remain the same.

RTC GRFO-12 Project level hydrology and water quality studies are not possible at this time, since tentative tract maps and site plans have not been developed for the sites. Preparation of plan level tract maps would be premature, since the City Council has not yet determined whether the project or an alternative will be approved. As noted in other responses, the commenter requests that the EIR cover details that cannot reasonably be evaluated until actual development applications have been filed, and the specifics of such applications are ascertainable.

It appears that the commenter is faulting the PEIR for identifying a significant impact when impact may be less than significant. There is nothing wrong with this. The true failing of an EIR is when it fails to identify a significant impact that would potentially occur.

RTC GRFO-13 As discussed in CEQA Guidelines Section 15130: (a) An EIR shall discuss cumulative impacts of a project when the project's incremental effect is cumulatively considerable, as defined in section 15065(a)(3).

The cumulative projects list in the EIR designed to include projects both within the City and neighboring jurisdictions that might result in cumulative impacts. The potential for cumulative impacts is a function of geographic proximity and the size of project. Projects were excluded from the list if they were unlikely to contribute to a cumulative effect as a result of distance from the project sites or size. Judgments were made based on possibility of impact by issue area.

See also RTC COLW-1

RTC GRFO-14 The NOP for the Opportunities Study PEIR was issued on July 7, 2004. The NOP for the project in Irvine cited by the commenter was issued August 17, 2005. As specified in CEQA Guidelines Section 15125, for purposes of EIR analysis, existing conditions are defined as conditions at the time of issuance of the Notice of Preparation. This is why the cited project was not included on the list of cumulative projects; it post-dates the NOP for the Opportunities Study by more than a year.

RTC GRFO-15 The Development Agreements are one of the implementing tools for the proposed land uses on the seven sites that comprise the Opportunities Study Area. It is not uncommon for large-scale projects to require Development Agreements. These are rarely included as attachments to an EIR, but are generally one of the subsequent discretionary approvals for which an EIR is used. That is the case here. The Development Agreements are under development, and are not final. Their final form will depend on whether the project is approved as proposed, or if one of the alternatives is selected by the City Council.

Table 3.14-4 provides a summary of the committed and uncommitted roadway improvements in Lake Forest and the Immediate Vicinity (MPAH Improvements). As explained on page 3.14-32 of the Draft PEIR, the General Plan Scenario includes these improvements. None of the project parcels have obligated traffic improvements under the General Plan Scenario. None of the parcels are part of the NITM program described on page 3.14-22 of the Draft PEIR.

The Draft PEIR includes alternatives for locating the public facilities on parcels other than the Nakase property (Site 7). See for example Alternatives 2, 3, and 4 which do not include development on the Nakase property.

There is no requirement in CEQA that an EIR discuss landowner participation. The rationale for the location of public facilities under the project and the alternatives is briefly explained in the PEIR. Additional information has been provided outside the environmental process as part of the project review process.

RTC GRFO-16 While it may be important for decision-makers considering whether to approve the project to have information regarding the degree to which the project meets the objective of fiscal stability, that information is not required to be included in the EIR, per Section 15131 of the CEQA Guidelines, as noted by the commenter. It should be noted that as explained on pages 2-1 to 2-3 of the Draft PEIR, fiscal analyses were conducted during Phase 2 of the Opportunities Study to aid in the development of a

project and alternatives that met the goals and objectives of the Opportunities Study, including the goal of fiscal stability. All of the scenarios included in the Draft PEIR (i.e. the project and the alternatives) more or less meet the objectives, as noted in the appropriate sections of the PEIR (see for example the discussion of attainment of project objectives which is included as part of the analysis of each alternative in Chapter 4 of the Draft PEIR). As noted on page 2-3 of the Draft PEIR, the City Council held a well-attended public workshop on January 27, 2004, during which the preliminary findings of the planning traffic and fiscal analyses were presented.

RTC GRFO-17 As with any program EIR, the “future development proposals and specific developments” are the site plans, tentative tract maps, and building plans which will be submitted by the site owners for subsequent review. These project-specific plans must be consistent with the program described in the Draft PEIR and approved by the City Council. There is no difference with this process and the standard process that would occur if this EIR were for a Specific Plan, with tentative tract maps, site and building plans subsequently submitted for review and approval.

RTC GRFO-18 The second sentence of the third paragraph under 2.2 Project Background on page 2-1 is modified from “. . . for development of more than 10 million square feet (sf) to read:

. . . for development of approximately 10 million square feet (sf) . .

Page ES-1 of the traffic study states: “The primary difference under the proposed land use plans compared to the Current General Plan is the substitution of 6.7 million square feet of business uses in the Current General Plan by 5,415 and 6,617 residential units in the City Preferred Plan and the Landowners Plan, respectively.

The 6.7 million thus refers to the net difference in business uses between the General Plan and the proposed Project. Table 2-1 on page 2-5 of the Draft PEIR shows the total allowable commercial uses under the existing General Plan at 9,808,060. Under the proposed project, that number would be reduced to 648,720 square feet, a reduction of 9,159,340 square feet, compared to the existing General Plan.

The Project Description does not provide conflicting information regarding existing uses and square footage. Page 2-1 of the DRAFT PEIR states,

The majority of remaining vacant land is privately owned and has been permitted for development of more than 10 million square feet (sf) of industrial and commercial land uses by the County prior to Lake Forest becoming a city.

This information refers to the entirety of the remaining vacant land within the City, which includes several parcels in addition to the six participating landowners. This differs from the information provided in Table 2-1 on page 2-5 of the Draft PEIR which specifically lists the non-residential entitlements for the seven properties analyzed in the document.

In terms of the Traffic Study, the commenter is not making a like-for-like comparison. The Traffic Study contains a very detailed zone by zone trip generation analysis which substitutes the proposed land uses for the existing general plan land uses. This analysis necessarily breaks the proposed land uses down into the appropriate units needed for the trip generation analysis. For example, uses such as parks, mini storage, and utilities are analyzed on an acreage basis rather than by square footage. The information provided in Table 2-1 of the Draft PEIR is based strictly on square footage of non-residential entitlement under the existing General Plan. The Proposed Project includes a different mix of land uses, including parks, residences, and public facilities which are not generally calculated on a square footage basis.

The traffic study does not conflict with the information provided in the Draft PEIR Project Description. The same proposed land use information is analyzed, as shown in Tables A-2 and A-3 of the Traffic Study. The difference between this information and that provided in the Project Description is the type of units used for the analysis that has been translated for the traffic analysis.

- RTC GRFO-19 Table 2-1 details the allowable development on the project sites. There is no allowable development within areas designated as Open Space, hence Open Space is not included in Table 2-1. Table 2-3 lists the existing and proposed General Plan Designations, and details the areas reserved via General Plan Designation for Open Space. Table 2-3 provides the requested comparison of allowable development under the General Plan.
- RTC GRFO-20 There is no piecemealing. The Draft PEIR identifies the maximum development envelope for each of the project sites and then analyzes the environmental impacts of that level of development at a program-level, consistent with the level of detail regarding the development available at this time. See also responses to comments ENHL-3, ELWA2-13, GRFO-1 and GRFO-2.
- RTC GRFO-21 See responses to comments ENHL-3, ELWA2-13, GRFO-1, GRFO-2 and GRFO-20. The commenter appears to misunderstand the concept of tiering, since the commenter apparently is requesting that the program EIR and project specific EIRs be released concurrently. As noted in CEQA Guidelines Section 15152 (a) "Tiering" refers to using the analysis of general matters contained in a broader EIR (such as one prepared for a general plan or policy statement) with later EIRs and negative declarations on narrower projects; incorporating by reference the general discussions from the broader EIR; and concentrating the later EIR or negative declaration solely on the issues specific to the later project. The key here is that CEQA anticipates that the more detailed project-specific level of review can occur later, when site specific plans have been developed.
- RTC GRFO-22 See RTC COOR-8, COOR-11, WQCB-1 and WQCB-7 and GRFO-12.
- RTC GRFO-23 The EIR clearly states a number of times that the project includes a General Plan Amendment and Zone Change.

A number of the Planned Communities within the City include residential development including: Portola Hills, Foothill Ranch, Serrano Highlands, Lake Forest, and Rancho Serrano. Several of the Planned Communities include both residential and commercial development, including: Foothill Ranch and Lake Forest. As noted in the existing General Plan at page 21, the City's existing land use designations provide for 3,050 acres of residential development, 2,545 acres of commercial/industrial development, 3,258 acres of parks and open space and 354 acres of public facilities. The commenter's contention that the proposed development is not consistent with the type of development in the rest of Lake Forest does not make sense.

The key in determining a land use impact under CEQA is in determining, per the CEQA Checklist whether the project will "conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect." In section 3.9 the EIR properly includes an analysis the project's consistency with General Plan goals and objectives adopted in part for purposes of avoiding or mitigating environmental effects, and concludes the project is consistent with the goals and objectives.

Given that the City currently includes both residential and commercial uses, often in close proximity, it is unclear why the commenter feels that a Mixed Use land use category would create significant impacts in and of itself. The Mixed Use category already exists, but has not been developed as such. The commenter's characterization of the area as rural is also no consistent with development in the project area.

The Housing Element seeks to facilitate the development of affordable housing. Any increase in the number of affordable housing units within the City resulting from the proposed project, would be a net increase from the number that would occur without the proposed project and would therefore be consistent with Housing Element Policy 1.2.

In general, as described above, the types of land uses included in the project are generally consistent with surrounding land uses. Any potential for incapability would occur at the design level, which is why project specific design will be reviewed as part of the Site Development Permit review process.

The traffic analysis considers traffic improvements planned by other jurisdictions, as well as the impact of the project both within the City of Lake Forest and on nearby communities. As explained in Section 3.14 of the EIR, the traffic model used in the analysis incorporates regional traffic data and elements of Orange County's Master Plan of Arterial Highways (MPAH) and planned MPAH improvements. In developing the Lake Forest Transportation Mitigation (LFTM) program, the City coordinated, and continues to coordinate with adjacent jurisdictions with intersections improvements included in the LFTM.

Site Development Permit review and to a lesser extent the Planned Communities Text are key mechanisms for ensuring compatibility with adjacent land uses.

See response to comments ENHL-3, ELWA2-13, GRFO-1, GRFO-2 and GRFO-22 regarding tiering and the program-nature of the EIR.

The described environmental consequences of the project are not affected by landowner participation or non-participation.

RTC GRFO-24 The DRAFT PEIR utilizes the RHNA numbers that currently are available. It would be inappropriate for the City to project the RHNA numbers that SCAG may issue in two years. As specified in CEQA Guidelines Section 15125, the environmental baseline is what existed at the time the NOP for the project was issued. As specified in CEQA Guidelines Section 15145 lead agencies are to terminate evaluation of impacts that are too speculative. The City's evaluation was based on the official numbers at the time the NOP was issued, rather than on inappropriate speculation.

Any increase in the number of affordable housing units within the City resulting from the proposed project, would be a net increase from the number that would occur without the proposed project and would help to further the City's ability to meet RHNA housing targets.

A percentage of the housing units to be developed under the Proposed Project would be required to be affordable, pursuant to an Affordable Housing Implementation Plan (AHIP) as part of the Development Agreement. Project-level AHIPs have not been developed yet, however, they will be required to be consistent with the City's General Plan Housing Element polices related to affordable housing.

The commenter's statement that the City's General Plan Housing Element requires 15% of new units to be devoted to affordable housing is incorrect; General Plan Policy 1.10 is a policy of encouraging residential developments to incorporate a minimum of 15 percent affordable units.

It should be noted that housing affordability is not treated in CEQA as a potential environmental impact (see CEQA checklist under Housing) – only the loss of housing is an impact under CEQA.

RTC GRFO-25 The commenter is incorrect. Neither the Extended Study area nor the data for the Extended Study area is incomplete or truncated. As noted on page 3-14-2 of the Draft PEIR, the Study Area and Extended Study Area were defined based on peak hour intersection criteria, and include all major intersections where the Proposed Project would increase traffic by more than one percent. This criteria is consistent with the guidelines used by Lake Forest and surrounding jurisdictions to define the area of impact for this type of study. As noted on page 3.14-2 of the DPEIR, the data for the extended study are based on the City of Irvine's Irvine Transportation Analysis Model (ITAM) and are based on counts taken in 2004 and 2005 and was current per the City of Irvine's data base at the time the NOP for the Opportunities Study EIR was issued. See also RTC COLW-1. Although the ITAM was used for development of the

NITM, it is the version of the ITAM which was current as of the issuance of the NOP for this project, not the NITM which provided the data for this traffic study.

The traffic study addressed, at a General Plan level of detail, intersections with the potential to be impacted by the proposed project. As noted by the commenter, “except for the El Toro & Moulton intersection, traffic in the Laguna Woods area generally flows freely and without interruption.” For this reasons not all of the intersections in the City or Extended Study area were analyzed. Mid-block traffic numbers are not typically provided in a traffic study, since intersections provide a better picture of the operations of the traffic system.

Please see RTC COLW-1 which addresses the City of Laguna Wood’s October 2002 General Plan amendment.

Please see RTC GRFO-14 which notes that the NOP for the Opportunities Study EIR was issued on July 7, 2004. The NOP for the projects in Irvine cited by the commenter (PA 18/39) was issued August 17, 2005. As specified in CEQA Guidelines Section 15125, for purposes of EIR analysis, existing conditions are defined as conditions at the time of issuance of the Notice of Preparation.

The LFTM is part of the project. The EIR summarizes the key features of the LFTM. The LFTM is detailed in the Traffic Report for the project included as an appendix to the EIR. Should the proposed project be approved the LFTM would be approved concurrently. The LFTM includes three intersections within the Extended Project Area (intersections 105, 117 and 125 (see pages 3.14-36 to 3.14-50 of the Draft PEIR. Both the traffic report for the project and the LFTM address project impacts both within and outside the City.

The commenter speculates that Ridge Route and Santa Maria intersections may be deleted from the MPAH and that the MPAH will be amended by the County. There is no pending proposal to do this and it would therefore be inappropriate to include analysis of a future roadway scenario that exists only in the mind of the commenter, in the EIR. It should be noted, as explained on page 3.14-32 of the PEIR, that both the 2030 LFTM and the 2030 LFTM Needs Scenarios included only funded MPAH improvements (as well as cumulative development through 2030). The LFTM analysis is thus conservative and addresses the potential that currently unfunded portions of the MPAH, including improvements along Ridge Route Drive will not receive funding by 2030.

Please see Appendix I to the Draft PEIR for the detailed project traffic report for the project which includes an explanation of modeling assumptions and procedures.

The analysis uses the City’s adopted thresholds of significance for traffic impacts. The thresholds used for CMP intersections outside the City are the thresholds specified in the CMP. Except as noted in the thresholds, the 0.02 or greater threshold was used for all intersections in the Traffic Study, regardless of jurisdiction. As noted on pages 3.14-36 to 3.14-50 only the intersection of Paso de Valencia at Avd. Carlota in the City

of Laguna Woods would be impacts without the LFTM. With the LFTM component of the project, no Laguna Woods intersections are impacted.

Any traffic improvements assumed in the traffic study are described in the traffic study included in Appendix I.

LFTM improvements will be constructed as they become necessary consistent with the requirements of the LFTM ordinance which would be adopted upon project approval.

RTC GRFO-26 As noted in response to comment GRFO 11: pesticide impacts are identified as significant due to the “one-molecule” problem. Since the waterway is already impaired for pesticide as discussed on pages 3.8-30 to 3.8-37, any project-contribution to pesticides within the waterway would constitute a significant impact. Even with BMPs it is impossible to eliminate the potential for pesticides entering the waterway. Whether or not a project or program-level EIR was prepared, the conclusion would remain the same.

It appears that the commenter is faulting the EIR for identifying a significant impact when impact may be less than significant. There is nothing wrong with this. The true failing of an EIR is when it fails to identify a significant impact that would potentially occur.

As shown in Table 3.14-14 there would be no difference in the impacts that would occur at Moulton Parkway/Santa Maria and Moulton Parkway/Ridge Route under the existing General Plan and under the proposed project.

It is not uncommon for City’s to approve projects with significant unmitigatable impacts. In fact, CEQA anticipated this and provides for a Statement of Overriding Considerations in such cases. The project’s significant unmitigatable impacts are not uncommon for a project of this nature.

The Fifth Amendment does not refer to the injury of private property. It reads: “No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.”

The project’s significant unmitigated impacts are not a taking of private property for public use, without just compensation. There is no Fifth Amendment issue with the issuance of a Statement of Overriding Considerations; a common practice with large-scale development projects.

RTC GRFO-27 The NOP for the Opportunities Study EIR was issued on July 7, 2004. The NOP for the project in Irvine cited by the commenter was issued August 17, 2005. As specified

in CEQA Guidelines Section 15125, for purposes of EIR analysis, existing conditions are defined as conditions at the time of issuance of the Notice of Preparation. This is why the cited project was not included on the list of cumulative projects; it post-dates the NOP for the Opportunities Study by more than a year.

As noted RTC GRFO-11: pesticide impacts are identified as significant cumulative impacts due to the "one-molecule" problem. Since the waterway is already impaired for pesticide as discussed on pages 3.8-30 to 3.8-37, any project-contribution to pesticides within the waterway would constitute a significant cumulative impact.

As shown in Table 3.14-14 there would be no difference in the impacts that would occur at Moulton Parkway/Santa Maria and Moulton Parkway/Ridge Route under the existing General Plan and under the proposed project. There is no change in the impacts that would occur based on development under the existing General Plan. In addition, these intersections are within the jurisdiction of another City.

RTC GRFO-28 The commenter has not identified any new or more severe impacts of the proposed project. The criteria for recirculation of an EIR articulated in CEQA Guidelines Section 15088.5 have not been met:

(a) A lead agency is required to recirculate an EIR when significant new information is added to the EIR after public notice is given of the availability of the draft EIR for public review under Section 15087 but before certification. As used in this section, the term "information" can include changes in the project or environmental setting as well as additional data or other information. New information added to an EIR is not "significant" unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project's proponents have declined to implement. "Significant new information" requiring recirculation include, for example, a disclosure showing that:

(1) A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented.

(2) A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.

(3) A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the environmental impacts of the project, but the project's proponents decline to adopt it.

(4) The draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded. (*Mountain Lion Coalition v. Fish and Game Com.* (1989) 214 Cal.App.3d 1043).

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**CITY OF LAKE FOREST
DEVELOPMENT SERVICES DEPT**



IRWD

IRVINE RANCH WATER DISTRICT

15600 Sand Canyon Ave., P.O. Box 57000, Irvine, CA 92619-7000 (949) 453-5300

March 24, 2006

Gayle Ackerman, AICP
Director of Development Services
City of Lake Forest
Development Services Department
22550 Commercentre Drive, Suite 100
Lake Forest, CA 92630

Subject: Draft Program Environmental Impact Report (DPEIR) for the Opportunities Study

Dear Ms. Ackerman:

Irvine Ranch Water District (IRWD) has received and reviewed the subject DPEIR and offers the following comments. IRWD is the domestic water, recycled water, and wastewater service provider for the majority of the city of Lake Forest, and would provide services for the properties studied as a part of the DPEIR. The DPEIR adequately describes the level of service to be provided by IRWD. However, some clarifications and corrections are needed to address inaccuracies in the document.

1

General

The DPEIR correctly states that a Sub Area Master Plan (SAMP) would be necessary for the project. Depending on the final scope of development for each separate property, a single SAMP may be prepared which addresses the specific utility demands and infrastructure needs of the project. However, the more likely scenario is that larger, individual property sites would necessitate a SAMP specific to the property. This determination would need to be done in close consultation with staff at IRWD. Please contact Michael Hoolihan at (949) 453-5553 to schedule a meeting to discuss the various SAMP options.

2

In addition, the DPEIR states that subsequent analysis of impacts pursuant to CEQA will be necessary for each individual property development, should the specific impacts create an effect that was not analyzed under the program-level document. As a property owner (Site 3), IRWD concurs with this determination and will evaluate the impacts associated with the proposed development of its site. IRWD expects that project proponents of development on the remainder sites will do the same, and ensure that IRWD is consulted during the preparation of the analysis and provide the respective CEQA documents for review and comment.

3

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Section 3.15 Utilities/Service Systems

Tables 3.15-1 and 3.15-2 reference "Fusco Engineering 2005." Presumably, this is a reference to the utility study prepared by Fuscoe. However, the information contained in these tables relies on information from the IRWD Board approved Water Supply Assessment (WSA, approved January 24, 2005), also referenced. Here, as in each reference to water demands, the WSA should be considered the superseding and authoritative reference document.

4

On page 3.15-8 a statement is made regarding the expansion of IRWD wastewater treatment plants. Presently, IRWD plans to expand its Michelson Water Reclamation Plant (MWRP), however, does not plan to expand the Los Alisos Water Reclamation Plant (LAWRP) to meet 2025 recycled water demands.

5

On January 24, 2005, IRWD approved the WSA for the project. Subsequent to this approval, IRWD has identified the need for a typographical correction to the WSA. The correction should occur in the text on page five of the WSA under the first bullet describing the subsequent Figures. The Figures in the WSA are accurate, and as indicated in the WSA, the text was intended to conform to the Figures. Accordingly, the date under the first bullet on page five should read 2015, not 2025.

6

On page 3.15-21 a statement is made "The Utility Report uses standard demand factors, while the WSA evaluates whether the projected increase in water use in the Project Area falls within IRWD projected potable and nonpotable water demand projections." As stated in the WSA (page 3), "IRWD employs water use factors to enable it to assign water demands to various land use types and aggregate the demands. The water use factors are based on average water use and incorporate the effect of IRWD's tier-rate conservation pricing and its other water conservation programs. The factors are derived from historical usage (billing data) and a detailed review of water use factors within the IRWD service areas as part of the WRMP."

7

On page 3.15-21 a statement is made, "Since the existing IRWD documentation is based on 5-year increments, the WSA, and, in turn, this analysis is based on the same 5-year increments for a 20-year projection." IRWD's WSA is consistent with Water Code Section 10631, which requires that water use projections shall be in five-year increments to 20 years.

8

On page 3.15-22 a statement is made, "The Utility Report had slightly different demand at buildout, approximately 2.0 mgd, or 2,279 AFY; however, as previously stated, for purposes of the impact analyses provided within this section, the information provided in the WSA is used as it provides a more conservative and comprehensive approach to future demands." Rather than make this statement, the City should state the WSA is used for purposes of the impact analysis because it was completed by the public water system for the project, IRWD, as required by Section 10910 of the Water Code and it supersedes any other utility report.

9

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Page 3.15-22 and 23, Tables 3.15-7 and 3.15-8

Table 3.15-7 cites "IRWD 2005a," the WSA, as its source. The last paragraph on the page footnotes (22) and references the IRWD Water Resources Master Plan (WRMP) 1999. The WRMP has been updated since 1999, and the DPEIR should reference the latest update. However, the paragraph is making reference to Table 3.15-8 which cites the WSA, and not "IRWD 2005a," as its source. Each of these citations of source documents should be clarified and made consistent for simple reference.

10

Page 3.15-30

In reference to (see Appendix ? of WSA). The source for this information is in Figure 1 of the WSA.

11

City of Lake Forest Municipal Code is cited as the jurisdictional authority for wastewater discharge to the sewer. Here, as throughout the document, all references to city code for wastewater discharge should be replaced with IRWD as being the jurisdictional agency authorizing discharge to the sewer, in conformance with its NPDES permit issued by the Regional Water Quality Control Board.

12

Chapter 5 Other CEQA Considerations

Groundwater, Pages 5-16 through 5-20: IRWD recommends this section be substantially edited and revised to accurately describe groundwater, contamination, and runoff (surface water) issues. The comments below are intended to guide that process, but not replace the entire section. Should the City prefer to collaborate with IRWD staff on preparing revisions, please contact Gregory Herr, Planning and Resources Specialist at (949) 453-5577.

13

Recommended Edits:

1. The first seven paragraphs on page 5-16 and 5-17 conflate the issues of the IRWD Dyer Wellfields, MTBE contamination, the Orange County Water District Main Basin, and Irvine Desalter Project. These issues are not directly related to the project as described, and should be characterized as a general discussion of groundwater issues.

The relevance of the references to the Dyer Road Wellfield is unclear. Generally, they should be deleted and the discussion should instead mention that IRWD provides a water supply from several sources including groundwater, that the quality is regulated and that this project would not affect drinking water quality or have an environmental impact in terms of drinking water quality because this project will receive service from IRWD's general potable water distribution system and not any particular location or source.

14

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2. The second paragraph implies that local water table levels have dropped and remain low. The Basin is elevated substantially this year (2006).] 15
3. The third paragraph describes the problems associated with MTBE contamination. This contamination occurs in the Irvine Sub-basin. However, in the fourth paragraph, IRWD Dyer Wellfield salt and nitrate issues are mentioned. The wellfield is located in the Main Basin area.] 16
4. The last sentence in the last paragraph on page 5-16 should read: "The Desalter Project is expected to provide an additional 8,000 acre-feet of water, some of which would be used for irrigation (40 percent) and the rest as potable water (60 percent) (OCWD 2006)."] 17
5. Page 5-17: "El Toro MACS" should be revised to El Toro MCAS. Immediately thereafter, the following sentence should be inserted: "There are two components to the non-potable system: (1) Approximately 400 gallons per minute..." Then, "The SGU treatment system is located adjacent to the former site..." After, "...Aliso Creek Ocean Outfall (ACOO)." should read "(2) Approximately 1,000 gpm (1.44 mgd) of..."] 18
6. "The potable portion of the water system (outside of the MCAS)..." should begin a new paragraph, and "be" in that sentence should be deleted. "3,200 gpm..." should be revised to 4,100 gpm with the appropriate mgd conversion. "Approximately 457 gpm should be revised to 600 gpm with the mgd conversion."] 19
7. The following two paragraphs beginning "Full buildout..." and "Grading activities..." address surface water issues and should be discrete from the groundwater section.] 20
8. Page 5-18: The paragraph beginning with "Full buildout of the Irvine Sub-basin..." again addresses groundwater and should be discrete from the above section regarding surface water.] 21
9. The third paragraph, first sentence, should read: "The Desalter Project, which will be constructed by the summer of 2006 will also provide..."] 22
10. The sentence beginning "California's ban on MTBE..." should start a new paragraph.] 23
11. The last paragraph discusses the OCWD Groundwater Management Plan (GMP) and correctly states that Aliso Creek "...may not be subject..." to it. It should be clarified that Los Aliso wells do, indeed, supplement the potable system.] 24
12. The last paragraph on this page, first on 5-19, combines the WSA and GMP. However, because the GMP does not include the Aliso Creek Basin, this may present confusion and should be clarified.] 25

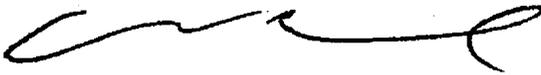
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13. The second paragraph on 5-19 correctly indicates that no new wells for the Irvine Sub-basin are contemplated. IRWD will be accepting ownership of wells currently owned by the Irvine Company.]²⁶

14. The following paragraph beginning, "Additionally, existing NPDES..." addresses surface water and should be incorporated into the appropriate section separate from the groundwater discussions.]²⁷

IRWD appreciates the opportunity to review and comment on the DPEIR. Should you have any questions or require additional information, please call Gregory Herr, Planning and Resources Specialist at (949) 453-5577.

Sincerely,



Richard A. Diamond
Director of Water Resources and Environmental Quality

RAD/GKH

cc: Michael Hoolihan, IRWD
Kellie Welch, IRWD
Joan Arneson, Legal Counsel

■ Response to Comments: IRWD

- RTC IRWD-1 The commenter acknowledges the adequacy of the Irvine Ranch Water District level of service description within the Draft PEIR. This comment is noted. The request for clarifications and corrections will be addressed in each specific comment numbered 15-41 below.
- RTC IRWD-2 The City agrees that Sub Area Master Plan (SAMP) would be necessary for the project, and depending on the final scope of development for each site, a single or site-specific SAMP(s) may be necessary. The City notes the comment, and once site specific plans have been submitted for the participating properties (6 sites), applicants will consult with the IRWD and address the need for site-specific or a single SAMP as necessary. Please refer to Topical Response 2, for further details on "programmatic" and project-level analysis required in this Programmatic EIR.
- RTC IRWD-3 The commenter concurs with the Draft PEIR about the need for future CEQA analysis at each individual property development should the specific impacts create an effect not analyzed under the program-level document. This comment is noted and transmitted through inclusion in the Final PEIR to the City's decision-makers for consideration.
- RTC IRWD-4 Tables 3.15-1 and 3.15-2 were both created by referencing the IRWD Water Supply Assessment and the Fuscoe Utility Study. As the commenter noted, the tables were constructed with information which relies on the IRWD Water Supply Assessment. These same tables are the basis for the impact analysis later in the section (see Impact 3.15-2). Therefore, the IRWD Water Supply Assessment is being used as the primary source document.
- RTC IRWD-5 **Text Changes:**
- The following sentence is added to the end of the second paragraph under the heading "Potable and Reclaimed Water":
- Presently IRWD plans to expand its Michelson Water Reclamation Plant, however, it does not plan to expand the Los Alisos Water Reclamation Plan to meet 2025 recycled water demands.
- This change does not affect the analysis.
- RTC IRWD-6 **Text Changes:**
- The date 2025 is changed to 2015 on page 5 of the WSA contained in Appendix G of the Draft PEIR under the first bullet describing the subsequent figures:
- 2025, 2015
- This change does not affect the analysis.

RTC IRWD-7 The referenced text in the Draft PEIR acknowledges that the WSA uses projections to calculate increases in water use (refer to page 3.15-21):

The Utility Report uses standard demand factors, while the WSA evaluates whether the projected increase in water use in the Project Area falls within IRWD projected potable and nonpotable water demand projections.

The text proceeds by noting that the WSA uses those projections to compare with nonpotable and potable water demand projections. Therefore, the focus of the referenced text is to show how the projections are used by the WSA rather than specifically how the projections were made.

RTC IRWD-8 The comment clarifies the text on page 3.15-21 related to 5-year increments for 20-year projections within the WSA. This comment is noted and transmitted through inclusion in the Final PEIR to the City's decision-makers for consideration.

RTC IRWD-9 **Text Changes:**

The following text has been added to page 3.15-22 in response to the comment.

In addition, the information in the WSA is used for purposes of this impact analysis because it was completed by the public water system for the project, IRWD, as required by Section 10910 of the Water Code and it supersedes any other utility report.

RTC IRWD-10 The references in Table 3.15-7 and with footnote 22 are consistent with the intended uses. Table 3.15-7 correctly references *IRWD 2005(a)*, which is the WSA as the commenter notes it should be. In addition, footnote 22 at the bottom of the page is used to add reference to the last sentence of the paragraph rather than to the preceding sentences which relate back to Table 3.15-7 and the WSA.

RTC IRWD-11 **Text Changes:**

The following text has been modified on page 3.15-30 of the Draft PEIR as requested by the commenter:

(see ~~Appendix~~ Figure 1 of the WSA)

RTC IRWD-12 **Text Changes:**

On page 3.15-30 the following change is made to the first sentence of the second paragraph:

The City of Lake Forest Municipal Code requires a compliance with IRWD wastewater discharge permit requirements for

RTC IRWD-13 This comment suggests revision of the Groundwater section of the Hydrology and Water Quality cumulative impacts discussion. Further comments to guide revision are discussed below. This section of the Draft PEIR (pages 5-16 to 5-17) describes the cumulative context for the PEIR cumulative impacts analysis and does, as the commenter requests, provide a general discussion of the groundwater issues. Because

this is a cumulative context, factors affecting the entire basin and its management become pertinent issues for inclusion in the analysis.

- RTC IRWD-14 Because the Proposed Project is located within the Orange County Groundwater Basin, which is affected by the identified concerns, it is appropriate to describe the existing groundwater basin environmental setting, given available information. Consequently, issues pertaining to general groundwater conditions are important considerations regarding the potential cumulative effect of the Proposed Project on groundwater quality and quantity. These existing conditions are briefly described to provide an adequate cumulative context for assessing potential cumulative impacts.

Text Changes:

As requested by IRWD the first seven paragraphs on pages 5-16 to 5-17 are deleted and replaced with the following:

~~Irvine Sub-basin area of the Orange County Groundwater Basin flows generally westward, away from the Proposed Project area. A water table depression occurs within the region of the IRWD Dyer Wellfields that has resulted in overall groundwater flow within the sub-basin towards the wellfield area.~~

~~Contour maps indicate that local water table elevations fluctuated over the past 50 years, and have dropped by almost ten feet from 2000 through 2003 (OCWD, 2000-03), partially due to both increasing demands and recent climatic drought conditions.~~

~~MTBE is a frequent and widespread contaminant in shallow groundwater throughout California, including the Irvine Sub-basin area. The high mobility and resistance to degradation indicates progressive accumulation. Lawrence Livermore Laboratories have developed a GIS system to manage the threat of MTBE to groundwater supplies. This site can be accessed at <http://geotracker.swrcb.ca.gov/>~~

~~Currently, water supplies from the IRWD Dyer Wellfields are within applicable drinking water standards. However, high salts and nitrates are known to occur within aquifers of the Irvine Sub-basin groundwater that are the result of natural geology and historic agricultural practices.~~

~~A one-by-five-mile groundwater contaminant plume, approximately 200 feet below ground surface, is located west of the MCAS. This plume was generated by spills and disposal of used solvents (e.g., degreasers) at the MCAS that eventually seeped into the groundwater aquifer. Off-station groundwater data have been collected by the OCWD since 1985, when routine monitoring detected trichloroethylene in irrigation wells less than one-half mile from the El Toro MCAS boundary. This plume has the potential for continued migration to drinking water supply wells.~~

~~The OCWD and IRWD began the process for implementation of the Desalter Project in 1990 to clean up the high salinity groundwater for non-potable irrigation use, in addition to remediation of the MCAS contaminant plume. Construction on this project was started summer of 2005 (MCAS El Toro Restoration Advisory Board, 2005). The Desalter Project is expected to provide an additional 6,000 to 8,000 acre-feet of water, some of which would be used for irrigation (25 percent) and the rest as potable water (75 percent) (OCWD, 2001).~~

~~The non-potable portion of the system will accept flow from wells either within or near the plume of groundwater contaminated with volatile organic compounds (VOC), primarily trichloroethylene~~

~~(TCE) on or near the former El Toro MACS. Approximately 400 gallons per minute (gpm) or 0.58 mgd of groundwater from extraction wells within shallow groundwater unit (SGU) will be treated using air stripping. The SGU treatment system is located on the former site of MCAS El Toro. The primary method of disposal will be groundwater injection. However, if the injection well is out of service or the flow rate from SGU wells exceed the capacity of the injection well, the treated water will be directed to disposal through the Aliso Creek Ocean Outfall (ACOO). Approximately 1,000 gpm (1.44 mgd) of groundwater from IRWD well ET-1 will be treated using air stripping and distributed by the IRWD for irrigation and other non-potable uses within the Santa Ana Basin. Flow from well ET-1 will not be discharged through the ACOO. Approximately 1,900 gpm (2.74 mgd) of groundwater from IRWD wells 78 and 113 (also known as ET-2) will be distributed untreated by the IRWD for irrigation and other non-potable uses within the Santa Ana Basin. Flow from wells 78 and 113 will not be discharged through the ACOO. The potable portion of the water system (out side of the MCAS contaminant plume) will be treat approximately 3,200 gpm (4.61 mgd) of groundwater from IRWD wells located upgradient of the contaminated groundwater plume using reverse osmosis (RO) to remove total dissolved solids, nitrates, and selenium. The treated water will be distributed by IRWD as potable water. Approximately 457 gpm (0.66 mgd) of RO reject, or brine, will be directed for disposal through the ACOO (RWRCB 2004). IRWD provides a water supply from several sources including groundwater, the quality is regulated and this project would not affect drinking water quality of have an environmental impact in terms of drinking water quality because this project will receive service from IRWD's general portable water distribution system and not any particular location or source.~~

- RTC IRWD-15 It is noted that the groundwater basin water table is likely elevated substantially in 2006 compared to data used in preparation of the Draft PEIR (2000 to 2003). The changes in groundwater levels noted by the IRWD are consistent with climatic and operational conditions and typical fluctuations in groundwater levels from year to year and season to season.
- RTC IRWD-16 The Dyer Wellfield is located within the main basin; however, operations affect groundwater flow from/within the Irvine sub-basin. Furthermore, the Dyer Wellfield data assists in characterizing groundwater quality for the deep aquifers. Operation of the Dyer Wellfields has and could continue to change groundwater flow directions can result in changes in contaminant plume transport. Mitigation wells for the MTBE plume would also affect groundwater flow paths and potential contaminant plume migration pattern. It is important to note major factors affecting both water quality, water quantity, and groundwater flow within the cumulative context groundwater basin.
- RTC IRWD-17 This comment addresses editorial accuracy, text clarity, and updated information. The last sentence on page 5-16 will be changed to read as reflected in the IRWD comment letter; however the IRWD will be cited as the reference, since the OCWD 2006 reference cited in the comment letter has not been provided.

Text Changes:

The following text has been amended on page 5-16 as requested by the commenter:

The Desalter Project is expected to provide an additional 6,000 to 8,000 acre-feet of water, some of which would be used for irrigation (2540 percent) and the rest as potable water (7560 percent) (OCWD 2006)#.

Irvine Ranch Water District. 2006. Comment letter on, "Draft Program Environmental Impact Report (DPEIR) for the Opportunities Study. Prepared by Richard Diamond, Dir. of the Water Resources and Environmental Quality Division, Irvine Ranch Water District, March 24, 2006.

RTC IRWD-18 These comments address editorial accuracy, text clarity, and updated numbers.

Text Changes:

The following text has been amended on page 5-17 as requested by the commenter:

... the former El Toro ~~MACSMCAS~~. There are two components to the non-potable system: (1) Approximately 400 gallons per minute (gpm) or 0.58 mgd of groundwater from extraction wells within shallow groundwater unit (SGU) will be treated using air stripping. The SGU treatment system is located on the former site of MCAS El Toro. The primary method of disposal will be groundwater injection. However, if the injection well is out of service or the flow rate from SGU wells exceed the capacity of the injection well, the treated water will be directed to disposal through the Aliso Creek Ocean Outfall (ACOO). (2) Approximately 1,000 gpm (1.44 mgd) of groundwater from IRWD well ET-1 will be treated using air stripping and distributed by the IRWD for irrigation and other non-potable uses within the Santa Ana Basin

RTC IRWD-19 These comments address editorial accuracy, text clarity, and updated numbers.

Text Changes:

The following paragraph has been amended on page 3-17 as requested by the commenter:

The potable portion of the water system (out side of the MCAS contaminant plume) will be treat approximately ~~3,2004,100~~ gpm (4.615.9 mgd) of groundwater from IRWD wells located upgradient of the contaminated groundwater plume using reverse osmosis (RO) to remove total dissolved solids, nitrates, and selenium. The treated water will be distributed by IRWD as potable water. Approximately ~~457600~~ gpm (9.660,864 mgd) of RO reject, or brine, will be directed for disposal through the ACOO (RWRCB 2004).

RTC IRWD-20 These comments addresses discussion organization.

Text Changes:

The following paragraphs have been moved to the bottom of page 5-19 and added to a new heading as requested by the commenter:

Surface Water

Full buildout of the San Diego Creek ...

Grading activities associated with ...

RTC IRWD-21 The section created above for surface water was moved to the end of the groundwater section and therefore no longer impacts the referenced paragraph in this comment.

RTC IRWD-22 These comments address the updated Desalter Project construction timeline and editorial clarity.

Text Changes:

The following text on page 5-17 have been amended as the commenter requested:

The Desalter Project, which will ~~begin construction in the summer of 2005~~ be constructed by the summer of 2006, will also provide remediation of a contaminated groundwater plume that threatens Irvine sub-basin drinking water supply wells.

RTC IRWD-23 These comments address the updated Desalter Project construction timeline and editorial clarity. The sentence beginning “California’s ban on MTBE ...” on page 5-17 now begins a new paragraph as requested by the commenter.

RTC IRWD-24 This comment addresses the need for clarification regarding the Aliso Creek Basin relationship to the OCWD GMP (Groundwater Management Plan).

Text Changes:

The last paragraph on page 5-17 was amended with the following text changes:

The Orange County Water District (OCWD) aggressively manages the Orange County Groundwater Basin resources to minimize impacts through the OCWD Groundwater Management Plan. Recycled water, imported water for groundwater storage, spreading grounds for groundwater recharge, injection wells, and conduct monitoring and research programs are used to further manage groundwater resources. Several projects have been implemented to recharge groundwater, prevent salt water intrusion, and make effective use of available resources. Most development within the San Diego Creek watershed would be subject to the Groundwater Management Plan. Almost all development within the Irvine Sub-basin would be within the OCWD, and therefore, subject to the OCWD Groundwater Management Plan.

~~However, development within the Aliso Creek watershed may not be subject to the Groundwater Management Plan, since it is not located within the groundwater basin, nor is groundwater from this basin used for water supplies. However, the Los Alisos Reclamation Plant provides reclaimed water that is used to supplement the potable water supplies, which reduces demand on the Orange County Basin, and the small Aliso Creek Basin can provide some potable water (less than 3,000 to 4,500 acre-feet per year) supplies (Municipal Water District of Orange County, 2000).~~

The following is added to references:

Municipal Water District of Orange County. 2000. 2000 Regional Urban Water Management Plan Updated, Dec. 20, 2000. p 3-5.

RTC IRWD-25 This comment addresses the need for clarification regarding the Aliso Creek Basin relationship to the OCWD GMP (Groundwater Management Plan) and WSA requirements noted in the last paragraph starting on page 5-18.

Text Changes:

The following text changes were made in the last paragraph starting on page 5-18 to add clarity:

Implementation of SB610 and SB221 requires that a Water Supply Assessment be prepared for development activities with a potential consumptive water demand greater than a certain threshold. This Water Supply Assessment would be used in conjunction with the Groundwater Management Plan to assure that adequate water supplies are available for development without significant impacts on either groundwater or surface water resources within the Orange County Groundwater Basin. If additional Aliso Creek Basin water demands are projected, the WSA would also assess adequacy of this groundwater supply for meeting projected demands.

- RTC IRWD-26 The commenter concurs with the Draft PEIR on page 5-19 as it states that there are no new wells being contemplated for the Irvine Sub-basin. This comment reflects the opinion of the commenter and is noted and transmitted through inclusion in the FEIR to the City's decision-makers for consideration.
- RTC IRWD-27 The referenced paragraph has not been moved because it refers to the impact that stormwater has on groundwater: "NPDES General Construction Activity and Industrial Permits ... prevent discharges of pollutants to groundwater or landscapes where they may infiltrate to groundwater ..."

44
MAEH

Ackerman, Gayle

From: Maureen El Harake [maureen_el_harake@dot.ca.gov]
Sent: Thursday, March 16, 2006 12:27 PM
To: Ackerman, Gayle
Cc: Bob Joseph
Subject: Request for extension for Review

Dear Ms. Ackerman,

Per my phone message today, the Department of Transportation District 12 is requesting an extension of the review period for the following project:

City of Lake Forest Opportunities Study DEIR. Current Due Date for State Clearinghouse Compliance: 3/17/06.

Reason for Request: Due to the size and nature of the project, current analysis and discussion regarding the traffic impacts have not been completed.

Extension Requested: To 3/31/06 - one week.

Thank you for your consideration of this request. You may reach me at (949) 724-2086 until 4 p.m. today. Or you may contact Bob Joseph at (949) 724-2255 tomorrow.

Sincerely,

Maureen El Harake
Caltrans District 12
IGR/Community Planning

■ Response to Comments: MAEH

RTC MAEH-1 The Draft Program Environmental Impact Report (Draft PEIR) was distributed to various public agencies, citizen groups, and interested individuals for a 45-day public review period, which began on February 2, 2005, and ended on March 21, 2005. Pursuant to several requests, the comment period was extended one week to March 27, 2006. The Draft PEIR was circulated to state agencies for review through the State Clearinghouse, Office of Planning and Research. Copies of the Draft PEIR were available for review at all libraries within the City of Lake Forest, as well as at the City Planning Counter and the City Clerk's Office. During the review period, the public was provided with the opportunity to submit written comments on the Draft PEIR. An Open House was held at City Hall on March 15, 2006, to present the proposed project and invite public comment. The public was invited to attend through publication of a hearing notice in the appropriate venues and the local newspapers.



MIVI

City of Mission Viejo

Community Development Department

Lance R. MacLean
Mayor
 Frank Ury
Mayor Pro Tempore
 Trish Kelley
Council Member
 John Paul "J.P." Ledesma
Council Member
 Gail Reavis
Council Member

**Sent Via Facsimile
(Original to Follow by Mail)**

March 28, 2006

Ms. Gayle Ackerman
 Director of Development Services
 City of Lake Forest
 25550 Commercenter Drive, Suite 100
 Lake Forest, CA 92630

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APR 3 2006

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APR 03 2006

RE: City of Mission Viejo Comments; Draft Environmental Impact Report for City of Lake Forest
 Lake Forest Opportunities Study General Plan Amendment and Zone Change

Dear Ms. Ackerman:

The City of Mission Viejo appreciates the opportunity to review the draft Environmental Impact Report (DEIR) for the City of Lake Forest Opportunities Study Program. In reviewing the proposed General Plan land use changes for the seven properties analyzed by the draft EIR, the City of Mission Viejo staff recognizes that the proposed changes to the General Plan land use designations generally allow more residential units, which previously were restricted due to MCAS El Toro military air flights.

1

Based upon the City staff's review of the draft EIR, we understand and recognize that at the General Plan level of analysis the Opportunities Study sites would generate half the traffic that would otherwise be permitted by current General Plan land use designations. In reviewing the particulars of the draft EIR, we also appreciate that you have included in your traffic analysis, certain streets and intersections along the Los Alisos/Trabuco/Alicia corridors. However, we are concerned with streets and intersections in closer proximity to the Opportunities Study project sites, such as the intersections of Glenn Ranch Road/El Toro Road, Marguerite Parkway/ El Toro Road, Marguerite Parkway/Los Alisos, Marguerite Parkway/Santa Margarita Parkway, and Los Alisos/Santa Margarita Parkway that were not included at this level of analysis.

2

Since at the next level of development review (such as area plans) more details of the proposed projects will be known, we are requesting that the applicant/project developer be required to submit project-specific traffic studies. These studies would provide further details of the project's impacts to all affected intersections including those that might be in the City of Mission Viejo and would identify any mitigation(s) that would be required at the time of development. If these mitigations are not included as part of the Lake Forest Transportation Mitigation (LFTM) program, we assume they would be conditioned upon the applicant/project developer. To

3

200 Civic Center • Mission Viejo, California 92691
<http://www.cityofmissionviejo.org>

949/470-3053
 FAX 949/951-6176

Page 2

accomplish this requirement, the City is requesting the following mitigation measure in the Transportation and Traffic Section of the Opportunities Study draft EIR:] 3

"Prior to the issuance of any area plan, site development permit or use permit, the City shall require a project-specific traffic study and for any project generating 2400 daily trips or more, include provisions for the required Measure M's Congestion Management Program (CMP), which requires intersection-level ICU analyses for traffic impacts at all intersections assigned a one percent increase. The traffic study would also identify any required mitigation measures for the applicant/project developer that may not be included in the City of Lake Forest Transportation Mitigation (LPTM) Program, to insure that impacted intersections can achieve their appropriate level of service standards. The study shall include a review by all affected agencies, including neighboring jurisdictions."] 4

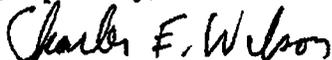
Further, we want to ensure that any requirements for future transportation improvements to City of Mission Viejo intersections that are identified in these traffic studies, are not precluded by provisions in development agreements between the City of Lake Forest and the property owners, or by any references in the draft EIR related to traffic mitigation.] 5

City staff also received your draft "Roadway Infrastructure Preliminary Designs and Cost Estimates for the Lake Forest Traffic Mitigation Program", dated October 2005, which we will be reviewing and providing comments to identify any issues regarding rights-of-way impacts and improvement feasibility for those intersections located in Mission Viejo.] 6

The City of Mission Viejo Planning and Transportation Commission also conducted a thorough review and discussion of the draft EIR at its meeting of March 27, 2006; their comments are included on the attached summary sheet for your consideration.] 7

We hope, Gayle, that on-going discussions on these matters can continue between our respective staffs, and encourage early consultation on technical issues as they arise.

Respectfully,



Charles E. Wilson, AICP
Director of Community Development

- cc: City Council
- Planning and Transportation Commission
- Dennis Wilberg, City Manager
- Loren Anderson, Public Works Director
- Elaine Lister, Planning Manager
- Shirley Land, Transportation Manager
- Robert Dunek, City Manager, City of Lake Forest
- Robert Woodings, Public Works Director, City of Lake Forest
- Brent Cooper, Planning Manager, City of Lake Forest
- Gail Shiomoto-Lohr, GSL Associates

**City of Mission Viejo Planning and Transportation Commission Comments:
Draft Lake Forest Opportunities Study Program Draft Environmental Impact Report**

Transportation and Traffic:

1. Discuss whether or not the City of Mission Viejo should be a Responsible Agency per CEQA since the City of Mission Viejo will have a shared authority in the review and approval of intersection improvements to the intersections of Los Alisos @ Jeronimo and Los Alisos @ Muirlands, which are located in the jurisdictional boundaries of both the City of Lake Forest and the City of Mission Viejo. } 8

2. Include in the Lake Forest Traffic Mitigation (LFTM) Program and its inventory of traffic improvements, or its applicable reference, as a mitigation measure to the Transportation and Traffic section of the draft EIR, to ensure that said improvements are implemented to mitigate project impacts. } 9

3. Include a sensitivity analysis of traffic impacts to the Study Area boundary to include in its entirety the adopted Orange County MPAH system. This sensitivity analysis would thus include the extension of Portola Parkway from SR-241 easterly to Alton Parkway, the extension of Ridge Route Drive from just west of Rockfield Boulevard to Avenida de la Carlota, and the widening and grade separation of Ridge Route Drive at the railroad crossing between Jeronimo Road and Muirlands Boulevard, which are elements of the adopted Orange County MPAH. The sensitivity analysis shall summarize traffic impacts and required traffic mitigation, and in particular, identify if any improvements currently identified in the Lake Forest Traffic Mitigation Program would be revised or deleted as a result of implementation of the adopted Orange County MPAH. } 10

4. Identify project impacts to freeway and tollroad improvements necessary to achieve levels of service standards, and require project fair-share contributions to any identified regional improvements. } 11

5. Identify whether or not implementation of both the City Preferred Plan and the Landowners Plan scenarios of the Opportunities Study Program, would result in higher traffic volumes on Los Alisos Boulevard – between Muirlands and Trabuco – than those traffic volumes projected with the existing General Plan land uses, as illustrated in the traffic study ADT volume figures. } 12

6. Include an assessment of how the proposed project, with its mix of land uses and higher densities, would promote transit-oriented development, by including a discussion of how such a connectivity to bus and rail transit services and associated transit facilities such as the Irvine Transportation Center, would be encouraged or accomplished. } 13

Land Use and Planning:

7. Revise Table 2-2, Table 2-8, and any other references in the draft EIR that reference the average density of the Proposed Project as 9 dwelling units per acre, with a clarifying notation that project site densities as allowed with the General Plan Amendment and Zone Change can range from 4 to 25 dwelling units per acres, with the Mixed Use Zone in Site 1 allowing up to 43 dwelling units per acre. } 14

8. The draft EIR identifies a conceptual location of a neighborhood park within Site 2, near El Toro Road. The draft EIR further identifies in Table ES-2: Summary of Environmental Effects and Mitigation Measures, that “development of Sites 1 through 6 of the Proposed Project would not result in uses that would be incompatible with or create a nuisance for adjacent properties” (Impact 3.9-2). The City of Mission Viejo requests the draft EIR be revised to ensure that any park plans for the neighborhood park in Site 2, be reviewed by the City of Mission Viejo for any potential impacts to City of Mission Viejo residents in the Painted Trails residential community, should the proposed park site in Site 2 be lighted.] 15

Schools:

9. Identify how the proposed generation of 1,988 new students resulting from the Proposed Project, would be classified by grade levels, and further, identify if the proposed student generation would require a new school facility site for the Saddleback Valley Unified School District (SVUSD) in the City of Lake Forest to address projected demand, as referenced in page 2-18 of the draft EIR. Revise Mitigation Measure MM 3.12-3 to include the potential provision of a school site in Site 1, as depicted in Figure 2-4 of the draft EIR, to mitigate the impacts of the Proposed Project on SVUSD, in addition to the payment of school fees.] 16

Noise:

10. Identify potential noise impacts in Mission Viejo and include additional noise test locations in the City of Mission Viejo.] 17

Opportunity Study Project Sites:

11. The draft EIR identifies that there are a total of thirteen (13) sites in the Lake Forest Opportunity Study area; however, the draft EIR analyzes only seven of the sites. Revise the draft EIR to include a discussion of the status of the remaining Opportunity Study sites, and whether or not any reduced development on the sites analyzed in this draft EIR, could result in transfers of development opportunities to the remaining six sites, and identify the associated processes and approvals that would be necessary to accomplish such transfer of development rights opportunities.] 18

Electricity and Gas:

12. Expand discussion on Electricity and Gas, Impact 3.15-7 of the draft EIR to include an assessment of potential cumulative impacts of energy consumption resulting from the proposed project, including the impact on a new substation(s).] 19

■ Response to Comments: MIVI

- RTC MIVI-1 This is correct.
- RTC MIVI-2 Please see Topical Response 9 which explains the screening criteria used to determine which intersections to include in the analysis and which addresses several of intersections of concern.
- RTC MIVI-3 As explained in Topical Responses 7 and 9, site-specific traffic studies will be required for each of the six properties in the Opportunities Study area.
- RTC MIVI-4 The requested mitigation measure is not necessary since site-specific traffic studies are required for each of the six properties in the Opportunities Study area, regardless of trip-generation amounts. Please also see Topical Responses 7 and 9. As with any environmental document prepared in the City of Lake Forest, adjacent and affected jurisdictions will be provided with notice and the opportunity to comment.
- RTC MIVI-5 Comment noted. No language in the Draft PEIR would preclude requirements for future transportation improvements in the City of Mission Viejo identified in any site-specific traffic studies.
- RTC MIVI-6 The City will address any comments sent by the City of Mission Viejo with the City, upon receipt.
- RTC MIVI-7 These comments are addressed in responses MVI-8 to MVI-19 below.
- RTC MIVI-8 Please see CEQA Guidelines Section 15381. A “responsible agency” is a agency with discretionary approval power over the project, not over several project mitigation measures.
- RTC MIVI-9 As described in the Draft PEIR, the LFTM is a project component, rather than a mitigation measure. It is part of the project.
- RTC MIVI-10 As explained on page 3.14-25, the LFTM is designed to mitigate both potential impacts of the Proposed Project and the existence of unfunded MPAH improvements, including the cited extension of Portola Parkway. The LFTM is thus designed to address a worst-case scenario. Should these improvements become funded, prior to completion of the LFTM improvements, the necessity of the LFTM improvements can be revisited as part of the formal process required by CEQA to replace or remove mitigation measures, but it is not necessary to address this hypothetical at this time, since the LFTM address the worst-case, that the unfunded improvements are not funded prior to completion of the LFTM improvements and the proposed project.
- RTC MIVI-11 As detailed in the analysis contained in Section 3.14 of the Draft PEIR (pages 3.14-50 to 3.14-54) the proposed project will not result in significant impacts to either freeway or toll-roads ramps of segments.

- RTC MIVI-12 The traffic study addresses potential impacts to study intersections.
- RTC MIVI-13 Please see Table 3.9-3 of the Draft PEIR which discusses the project's consistency with General Plan policies, including policies including job/housing balance.
- RTC MIVI-14 This is not necessary as existing tables in the document make clear the range of densities, as well as the average density per site. Please also see Topical Response 7.
- RTC MIVI-15 Mission Viejo will be provided with the opportunity to review the project-level environmental documents of interest to Mission Viejo.
- RTC MIVI-16 Please see Topical Response 8. The requested analysis is unnecessary as it would not affect whether or not any school impacts would be fully mitigated.
- RTC MIVI-17 This is unnecessary as no potential impacts are anticipated and Mission Viejo has not provided any reason to believe that such impacts would occur, or the potential location of such impacts.
- RTC MIVI-18 This is unnecessary as no transfer of development between sites is provided for in the EIR or development agreements.
- RTC MIVI-19 Please see Section 5.2.2 of the Draft PEIR which addresses cumulative impacts. Cumulative energy impacts are assessed on page 5-28 of the Draft PEIR.



ORANGE COUNTY FIRE AUTHORITY
P.O. Box 57115, Irvine, CA 92619-7115 • 1 Fire Authority Rd., Irvine, CA 92602

Chip Prather, Fire Chief www.ocfa.org

(714) 600-**RECEIVED**

MAR 09 2006

OCFA

CITY OF LAKE FOREST
DEVELOPMENT SERVICES DEPT

March 7, 2006

City Of Lake Forest
Attn: Gayle Ackerman, Director of Development Services
25550 Commercentre Dr #100
Lake Forest, CA 92630

SUBJECT: EIR for Opportunities Study Project

Dear Ms. Ackerman:

Thank you for the opportunity to review the subject document. The Orange County Fire Authority has reviewed, and agrees that impacts to Fire Services can be mitigated with incorporated mitigations. We would like to comment on one additional recommendation, which would assist the community with emergency response. We would like to ensure that the City conditions development with the Optical Traffic Preemption device installation on all new or upgraded traffic signals as a result of these projects. This would assist emergency responders in any additional traffic impacts as a result of additional development.

All standard conditions and guidelines will be applied to the project during the normal review process. Thank you for providing us with this information. Please contact me at 714-573-6199 or michelehernandez@ocfa.org if you have any questions.

Sincerely,

Michele Hernandez
Management Analyst
Strategic Services

Serving the Cities of: Aliso Viejo • Buena Park • Cypress • Dana Point • Irvine • Laguna Hills • Laguna Niguel • Laguna Woods • Lake Forest • La Palma • Los Alamitos • Mission Viejo • Placentia • Rancho Santa Margarita • San Clemente • San Juan Capistrano • Seal Beach • Stanton • Tustin • Villa Park • Westminster • Yorba Linda • and Unincorporated Areas of Orange County

RESIDENTIAL SPRINKLERS AND SMOKE DETECTORS SAVE LIVES

■ Response to Comments: OCFA

RTC OCFA-1 The City has budgeted and installed Optical Traffic Preemption equipment in the past as a City Capital improvement project, and has placed this type of improvement in the proposed 5 year plan. Since this is a project-level feature, it will be addressed on a case-by-case basis with input from OCFA. The following will be added as a condition of approval for the proposed project:

As requested by the Orange County Fire Authority, site-specific development plans shall include provisions for installation of Optical Traffic Preemption devices on new or upgraded traffic signals within the site area as deemed necessary by the City with input by the OCFA.

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SCAG

16 March 2006

Ms. Gayle Ackerman
Director of Development Services
City of Lake Forest
25550 Commercentre Drive
Lake Forest, CA 92630

CITY OF LAKE FOREST
DEVELOPMENT SERVICES DEPT

RE: Comments on the Draft Environmental Impact Report for the Lake Forest Opportunities Study Program
SCAG No. I20060081

Dear Ms. Ackerman:

Thank you for submitting the Draft Environmental Report for the above-mentioned plan to SCAG for review and comment. As areawide clearinghouse for regionally significant projects, SCAG reviews the consistency of local plans, projects, and programs with regional plans. This activity is based on SCAG's responsibilities as a regional planning organization pursuant to state and Federal laws and regulations. Guidance provided by these reviews is intended to assist local agencies and project sponsors to take actions that contribute to the attainment of regional goals and policies.

We have determined that the proposed Project is regionally significant per California Environmental Quality Act (CEQA) Guidelines (Section 15125 (b)). SCAG bases review of such projects on its adopted regional plans:

**Destination 2030: 2004 Regional Transportation Plan (RTP)
Regional Comprehensive Plan and Guide (RCPG) -1996 Version
Compass Growth Vision**

CEQA requires that EIRs discuss any inconsistencies between the proposed project and the applicable general plans and regional plans (Section 15125 [d]). Please state separately how the proposed plan will or will not support each regional plan. Please cite specific policies in the regional plans that the proposed project supports. If there are inconsistencies, an explanation and rationalization for such inconsistencies should be provided. Visit www.scag.ca.gov for downloadable versions of these documents.

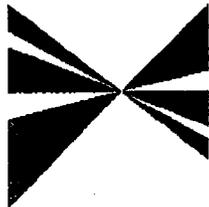
Please provide a minimum of 45 days for SCAG to review the Final EIR when this document is available. If you have any questions regarding the attached comments, please contact me at (213) 236-1851. Thank you.

Sincerely,

Brian Wallace
Associate Regional Planner
Intergovernmental Review

DOCS # 119992v1

SOUTHERN CALIFORNIA



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Thomas Buckley, Lake Elsinore •
Bonnie Flickinger, Moreno Valley •
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Ron Roberts, Temecula

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Lee Ann Garcia, Grand Terrace •
Tim Jasper, Town of Apple Valley •
Larry McCallion, Highland •
Deborah Robertson, Rialto • Alan Wagner, Ontario

Ventura County: Judy Mikels, Ventura County •
Glen Becerra, Simi Valley •
Carl Morehouse, San Buenaventura •
Toni Young, Port Hueneheme

Orange County Transportation Authority: Lou Correa, County of Orange

Riverside County Transportation Commission: Robin Lowe, Hemet

Ventura County Transportation Commission: Keith Minhouse, Moorpark

■ **Response to Comments: SCAG**

RTC SCAG-1 Section 3.9.3 of the Draft PEIR addresses the project's consistency with the City's General Plan. No inconsistency with SCAG regional plans are identified.

Ackerman, Gayle

TELO

From: Terry Loomis [LOOMIS@irwd.com]
Sent: Monday, March 27, 2006 4:09 PM
To: Ackerman, Gayle
Subject: EIR Comments

Gayle,

Two comments on the EIR.

I believe Shea will be making a comment re: possible location of public facilities on landowner sites as being conceptual and not exacting in nature. We support this position as no specific sites have been agreed upon between the City and IRWD.

1

Second, and more administrative in nature, I think we should delete the "Lewis" association with the IRWD Site 3 as we are the owners. I've found the references on Table 2-4, Section 3.1.2 in the narrative description of Site 3, and Section 3.9.2 in the "Project Area Characteristics". You might want to do a "Lewis" word search for any others.

2

Thanks.

Terry

Terrell Loomis, Treasurer
Irvine Ranch Water District
15600 Sand Canyon Avenue
Irvine, CA 92618
(949) 453-5340
(949) 453-0128 (fax)

■ Response to Comments: TELO

RTC TELO-1 Comment noted.

RTC TELO-2 While we understand the association of IRWD with Lewis may be confusing for some, it is not necessary to remove all references from the document. The name of the site is not important, many documents call properties “Site A” or in this case Sites 1-7. Because it would not change any analysis or conclusions, the requested change has not been made.



California Regional Water Quality Control Board Santa Ana Region



Alan C. Lloyd, Ph.D.
Agency Secretary

3737 Main Street, Suite 500, Riverside, California 92501-3348
Phone (951) 782-4130 – FAX (951) 781-6288 – TTY (951) 782-3221
<http://www.waterboards.ca.gov/santaana>

Arnold Schwarzenegger
Governor

March 17, 2006

Gayle Ackerman, Director
Development Services Department
City of Lake Forest
25550 Commercentre Drive, Suite 100
Lake Forest, CA 92630

WQCB

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CITY OF LAKE FOREST
DEVELOPMENT SERVICES DEPT

DRAFT ENVIRONMENTAL IMPACT REPORT, CITY OF LAKE FOREST OPPORTUNITIES STUDY GENERAL PLAN AMENDMENT AND ZONE CHANGE, ORANGE COUNTY, STATE CLEARINGHOUSE NO. 2004071039

Dear Ms. Ackerman:

Staff of the California Regional Water Quality Control Board, Santa Ana Region (RWQCB) has reviewed the City of Lake Forest (City) Draft Environmental Impact Report (DEIR) for the Opportunities Study Program. The DEIR analyzes the environmental impacts of amending the City's General Plan to change zoning for approximately 838 acres of vacant land within the City from industrial and commercial uses to residential and mixed uses (project). This land comprises seven unconnected and separately-owned parcels. We understand that the City anticipates it will "tier off" of the final EIR in order to meet CEQA compliance for each residential project. Please incorporate the following comments:

Hydromodification

We differ with the DEIR's discussion of unavoidable Water Quality Impacts (p.3.8-2 and 3.8-4), which states that the project would not adversely alter an existing watercourse and that pollutant impacts will be limited to pesticides (p. 3.8-30-39). Of the seven parcels, five are located at the head of Serrano Creek and one is at the head of Borrego Canyon Wash. Both are sub-watersheds of the San Diego Creek watershed (Fig. 3.8-1). Our focus is not on the easternmost affected drainage, Aliso Creek, which is under jurisdiction of the San Diego Regional Water Quality Control Board, Region 9.

During the past 10 years, rapid urbanization in areas tributary to Serrano Creek and Borrego Canyon Wash has increased the volume and velocity of stormwater runoff and dry-weather flows to those drainages, threatening private property, diminishing the support of beneficial uses¹ within each sub-watershed, as well as in downstream waters, and causing channel bed and bank erosion, down-cutting, sedimentation, and collapse of stream banks. These adverse impacts include transport of eroded soils and channel sediments to downstream receiving waters, including San Diego Creek and Newport Bay. Sediment total maximum daily loads (TMDLs) are currently being implemented to address this issue. The correction and reduction of this hydromodification, or the artificially imposed physical changes to the geomorphology and geometry of the channels and immediate floodplain by increased flows by all cities contributing runoff to these watersheds, has become a priority of our agency. Therefore, the DEIR should

¹ The Water Quality Control Plan for the Santa Ana River Basin, 1995, and subsequent amendments, (Basin Plan) defines and recognizes water quality beneficial uses of the Santa Ana Region, including Serrano Creek and Borrego Canyon Wash.

California Environmental Protection Agency



reflect Regional Board staff's deep concern that the project would likely exacerbate the existing and continuing degradation to the stream profiles of these two hydromodified watercourses.] 1

Sheet piling is proposed to mitigate ongoing erosion in Borrego Canyon Wash (DEIR p. 3.8-35), but erosion can continue behind such armoring. Unless the root cause of the erosion is addressed, that is, the hydrologic changes that have led to the destabilization of this stream channel, channel degradation and impacts to beneficial uses are likely to continue. No definitive solution is even offered by the DEIR for Serrano Creek impacts aside from the general list of Best Management Practices (BMPs) beginning on p. 3.8-33.] 2

Further, the DEIR fails to adequately analyze the baseline hydrological conditions of Serrano Creek, Borrego Canyon Wash, and San Diego Creek with regard to existing erosion and sediment/pollutant transport. Existing conditions are only generally compared (Table 3.8-2) to any projections of hydromodification impacts following build-out (an outcome of the project), and cumulative impacts posed by the project are not fully analyzed². An adequate baseline analysis of Serrano Creek and Borrego Canyon Wash is needed that considers channel stability history and the hydromodification of the channels that occurred following development of Highway 241, Foothill Ranch, and similar large-scale construction and land development projects. Slumps and slides that occurred along the banks of Serrano Creek in March 2005 have increased risk to nearby homes and threaten to cause the failure of previously completed mitigation measures taken to stabilize the creekbed. The analysis should model the existing flows in each watershed versus how the flows would likely vary with the incremental addition of each project/project alternative. The rational method was not used (p. 3.8-24) because impervious surfaces are not quantified, but we believe those flows should be modeled and calculated with and without associated mitigation measures and /or Best Management Practices that are known to minimize the effects of hydromodification. Because the mitigation measures identified in the DEIR appear to underestimate the significance of the environmental impacts discussed above, we believe that the DEIR must include a more comprehensive analysis of the likely hydromodification effects of the project. Further, we believe that, in light of the analysis requested above, additional alternatives for mitigation strategies for reducing erosion in Serrano Creek and Borrego Canyon Wash need to be developed in addition to what is currently included in the DEIR's "Water Quality Impacts" discussion. Alternatives should take into consideration how existing programs can be included in comprehensive long-term solutions.] 3

The State Water Resources Control Board is in the process of contracting with the County of Orange to conduct a feasibility study for the Borrego Canyon Wash. This study will include fluvial modeling and recommendations for channel stabilization, focusing on bioengineered solutions. These recommendations should be implemented in future projects that occur in proximity to this channel. Because this study has not yet been performed, and therefore its recommendations cannot be incorporated into mitigations in this DEIR, the DEIR should recognize the study's initiation and that projects for the seven parcels should thoroughly evaluate water quality impacts.] 4

TMDL Compliance

Serrano Creek and Borrego Canyon Wash are major sources of sediment and other pollutants to San Diego Creek, and in turn, to Upper Newport Bay. Reaches of San Diego Creek and Upper and Lower Newport Bay have been listed, pursuant to Clean Water Act Section 303(d), as impaired by various pollutants. Consequently the following existing and anticipated total] 5

² For example, Section 1 of the DEIR recognizes that there is a tremendous amount of new development proposed for Orange County General Plan Growth Management Area 9 (GMA 9). The DEIR should analyze the cumulative impact of the *prior development* in that portion of GMA 9 that has already impacted the Serrano Creek and Borrego Canyon Wash watersheds.

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beneficial uses of San Diego Creek, Reach 1, listed as "present or potential," are REC2, WARM, WILD, and restricted REC1.

5

The beneficial uses of both Upper and Lower Newport Bay include Commercial and Sportfishing (COMM), REC1, REC2, WILD, Rare, Threatened or Endangered Species habitat (RARE), Spawning, Reproduction and Development waters (SPWN), Marine Habitat (MAR), and Shellfish Harvesting (SHEL). Upper Newport Bay also is designated for the Estuarine Habitat (EST) and Preservation of Biological Habitats of Special Significance (BIOL) beneficial uses, while Lower Newport Bay is designated for the Navigation (NAV) beneficial use.

6

Pollutant Control Through Urban Areawide Municipal Stormwater Permit

The DEIR should elaborate more on the City's obligations to comply with the requirements of RWQCB Order No. R8-2002-0010 (NPDES Permit No. CAS618030), Waste Discharge Requirements for the County of Orange, Orange County Flood Control District, and the Incorporated Cities of Orange County within the Santa Ana Region, Areawide Urban Storm Water Runoff, also known as the Orange County municipal separate storm sewer system, or "MS4," permit (see <http://www.waterboards.ca.gov/santaana/pdf/02-10.pdf>.) Under the MS4 Permit, among other requirements, the City is required to implement plans to reduce sediment and dry-weather flows into the Upper Newport Bay watershed and to meet target load allocations for nutrients, sediment, and fecal coliform as established by the TMDLs.

Detailed BMPs (p. 3.8-32-34) must be developed in the DEIR that will be utilized to control the discharge of pollutants from future projects likely to be tiered off the project EIR. Practicable post-construction BMPs (p. 3.8-33) must address all pollutant loads likely to be carried from the project area by dry weather runoff and first-flush stormwater runoff. For example, use of permeable/porous pavement systems should be used wherever possible to infiltrate and filter runoff. Avoidance BMP's should be aggressively advocated by the project. For example, native riparian vegetation established along and within these drainages, flanked by adequately vegetated upland buffer areas, stabilizes drainage courses and lessens erosion, and should be protected wherever possible. Where native vegetation is removed, prompt replanting and hydroseeding with locally native plant species is encouraged.

7

If detention basins are to be used, the DEIR should describe the engineering principles that will be used in their design, and to the extent possible at this time, provide details of the number of basins and their design, treatment mechanism, and placement. Holding basins and/or constructed wetlands to capture and naturally treat dry weather urban runoff and associated pollutants from the first flush of rainfall runoff are preferred.

The DEIR should encourage BMPs that utilize the principles of low impact development (LID) as part of a comprehensive, community-wide system for protecting water quality standards. LID makes use of project-level features such as grassed paseos to manage urban runoff quantity and quality while conserving water. LID is among the Ahwahnee Water Principles for Resource Efficient Land Use, adopted in 2005 by the Local Government Commission (LGC). The LGC (www.lgc.org) encourages communities to incorporate these principles into general plans. These principles are intended to reverse of the trend of increasingly paved and constructed areas that alter the rate and volumes of surface water runoff and groundwater recharge. The State Water Resources Control Board management has expressed support of the Ahwahnee principles and LID as useful to address the SWRCB's major goals and objectives.

California Environmental Protection Agency



Ms. Gayle Ackerman

- 5 -

March 17, 2006

Section 401 Water Quality Certification

Serrano Creek and Borrego Canyon Wash are both waters of the U.S. The DEIR needs to reflect that development of the seven parcels may include construction of storm drain outfalls into these waters. This construction will require a Clean Water Act Section 404 permit from the U.S. Army Corps of Engineers (USACOE) allowing the discharge of fill into waters of the U.S. Applicants for Section 404 permits must also apply for a Section 401 Water Quality Certification from the Regional Board. A Section 401 certification includes conditions specifying measures that ensure discharges from the Section 404 - permitted project will comply with water quality standards. Early consultation with Regional Board staff regarding applications for Certifications is strongly advised. Mitigation for impacts to water quality standards that arise from projects requiring Section 404 permits and Section 401 certifications should be identified in the CEQA documentation for these projects. Merely identifying the need to obtain permits that allow an impact does not constitute acceptable mitigation for an impact.

8

Conclusion

An extensively revised draft EIR incorporating the above comments should be recirculated for public comment before the City decides whether or not to certify the EIR for the project. However, prior to recirculating the draft EIR, the City should establish and commit to a cohesive long-term strategy for stabilization and restoration of Serrano Creek and Borrego Canyon Wash, in consultation with the Regional Board, USACOE, the USEPA, the U.S. Fish and Wildlife Service, the California Coastal Commission, the California Department of Fish and Game, the County of Orange, the Orange County Flood Control District, the Wetlands Recovery Project, the Newport Bay Watershed Management Committee, other agencies owning or controlling land along these waters, and other interested stakeholders and agencies.

9

If you have any questions, please contact Glenn Robertson of my staff at (951) 782-3259, or me at (951) 782-3234.

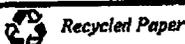
Sincerely,

Mark G. Adelson, Chief
Regional Planning Programs Section

- cc: Scott Morgan - State Clearinghouse
- Stephanie Hall- U.S. Army Corps of Engineers, Los Angeles
- Herb Nakasone- Orange County Flood Control, Santa Ana
- Eileen Takata - Orange County Resources and Development Management Department
- Watershed Management Section - RWQCB-9, San Diego

Q: GrobertsonMagnolia/Data/CEQA/DEIR- City of Lake Forest- Opp Study -GSR-MGA

California Environmental Protection Agency



■ Response to Comments: WQCB

RTC WQCB-1 The SARWQCB notes that prior development within the Borrego Canyon Wash and Serrano Creek subwatersheds have contributed to erosion and sediment transport within the San Diego Creek watershed. As noted in the Draft PEIR (p. 3.8-30) and by the SARWQCB in this comment, the San Diego Creek watershed is currently listed as impaired by sediment with existing TMDLs and that further contributions to erosion and sediment transport could potentially be significant. As noted in the Draft PEIR analysis, there would be no net increase in erosion and sediment transport to San Diego Creek or Newport Bay with implementation of the Proposed Project because Proposed Project runoff would not increase and a Water Quality Management Plan would be required prior to approval of a Parcel Map or Tentative Tract Map (MM 3.8-1) in compliance with the existing municipal NPDES permit.

A comparison of pre- and post-project runoff coefficients is used in the Draft PEIR to provide an indication of potential effects of the Proposed Project on stormwater runoff and consequently, potential increases in bank erosion and bedload transport. More runoff could result in more bank erosion and sediment transport. A comparison of the approximate runoff from Opportunities Study properties in Table 3.8-2 indicates that implementation of the Proposed Project would likely lower the overall runoff within the San Diego Creek watershed. This is because the existing landscapes are steep, with low-infiltration soils, and poor vegetative cover. Development of these parcels, however, would require grade modifications (less steep slopes) and landscaping (more infiltration and good vegetative cover), which would lower the overall runoff rate. Lower runoff, because of the Proposed Project, means that there would be no net increase in bank erosion or bedload sediment transport compared to existing conditions.

As noted in COLW-5, data provided in Table 3.8-1 and Table 3.8-2 were refined to separate out information for each subwatershed (Borrego Canyon Wash, Serrano Creek, and Aliso Creek), as well as the overall potential impacts. Additionally, implementation of the new mitigation measure MM 3.8-5 would require that there would be no net increase in peak rate or amount of runoff entering any of these drainages.

Additionally, for compliance with the existing municipal NPDES permit and Drainage Area Master Plan (DAMP), a Water Quality Management Plan (WQMP) would be developed to assure that post-construction BMPs would be implemented to prevent further degradation of water quality (MM 3.8-1).

Because this is Programmatic EIR, site specific details are not available. Site specific details associated with the various site included in the Proposed Project drainage and potential BMPs are, therefore, not included in this analysis. Please refer to Topical Response 2, which provides further details on Project vs. Programmatic EIRs.

RTC WQCB-2 The Project runoff, including runoff from Alton Parkway through Shea/Baker Ranch will be conveyed to a detention basin that will release runoff into the Wash at the

southerly end of the Shea/Baker Ranch property near Commercentre Drive below the area where erosion has occurred in the past. The County of Orange has selected its preferred alternative for Borrego Canyon Wash drainage: a box culvert for high flow and a nature water course for low flows. Shea/Baker will be required to build any flood control improvements consistent with County requirements and to dedicate the improvements to the Orange County Flood Control District. Depending upon the exact location of improvements, a Streambed Alteration Agreement under the California Fish and Game Code may be required. A Section 1602 Streambed Alteration Agreement, if required, must be obtained prior to any impacts to State jurisdictional waters. Any required improvements are expected to function properly to stabilize the bank of the Borrego Canyon Wash on the Shea-Baker Ranch side should it be exposed at some point in the future. Water flowing down the Borrego Canyon Wash will potentially be channeled away from the side and towards the center of the Wash or the side which is fairly protected due to the debris and vegetation that has lodged along that side of the bank. It is not anticipated, however, that sediment production would exceed existing conditions, and as the Trimble reports have demonstrated, erosion in certain segments of the Borrego Canyon Wash would be expected to occur in the future as a result of upstream development. This would occur with or without the project.

As part of the Alton Parkway improvements, it is anticipated that streambank stabilization measures will be required on both sides of the Borrego Canyon channel from Irvine Boulevard to approximately 2,000 feet upstream. In some areas the existing rock bank stabilization may remain in place. The final alignment of the Alton Parkway extension and the corresponding alignment will determine the extent of the required streambank stabilization. Therefore, increased flooding and erosion would not be expected. Implementation of the project design features included for the proposed project and the Alton Parkway improvements would ensure that impacts to the Borrego Canyon Wash would not result in substantial erosion, siltation or flooding on- or off-site due to these two projects. Implementation of the Opportunities study and Alton Parkway projects are not anticipated to alter the existing conditions, and in fact may improve conditions by diverting uncontrolled surface runoff to a discharge point where the banks of the Wash are more stable.

Sheet piling was initially recommended by Hunsaker for bank protection in Borrego Canyon Wash because it is both environmentally sensitive and can be installed without the need to work within the wash. This bank protection was not selected by the Board of Supervisors to address the site. Mitigation of off-site conditions caused by factors other than the proposed project is outside the scope of the project and this PEIR.

Please see Topical Responses 1, 2, and 5. There is a lack of discussion on the root cause of existing erosion and channel stabilization arising from prior developments since this is beyond the scope of this document. As discussed in Topical Response 1, while CEQA requires an understanding of existing conditions, CEQA does not require an analysis of the causes of existing conditions. As discussed in Topical Response 2, the level of detailed analysis required for a Programmatic EIR is not as specific as that required for a Project level EIR.

Information pertaining to proposed erosion control strategies along the noted section of the Borrego Canyon Wash is provided in the Draft PEIR because an existing analysis of efficaciousness has been completed. However, as noted in mitigation measure MM 3.8-1 and the additional mitigation measure MM 3.8-5, a detailed hydrology and hydraulics study would be prepared prior to obtaining a grading or building permit (prior to approval of the Parcel Map or Tentative Tract Map). Results of this study would indicate if stormwater would be directly discharged to the creeks, if erosion control BMPs are required, and the feasibility of potential options.

RTC WQCB-3 As discussed in detail in Topical Response 2, the analysis for potential impacts of the project is "programmatic" and a project-level analysis and mitigation will be required when specific development plans are proposed for any of the sites identified programmatically in this Draft PEIR. Therefore, any potential analysis as it relates to modeling flows associated with any potential site-specific impacts, including potential impacts to Serrano Creek and Borrego Canyon Wash, would be detailed as appropriate within project-level environmental documents.

There is no obligation for the City to provide modeling of the watershed. A program EIR is not intended to be a planning document. Additionally, as referenced in RTC COLW-5 and RTC WQCB-1, the Proposed Project is not likely to result in a net change in runoff values. Therefore, if a detailed watershed study and/or a drainage model were to be conducted the overall conclusions would not change.

With respect to the adequacy of the programmatic mitigation strategies for reducing for potential impacts to jurisdictional waters of the United States, current interpretation of CEQA guidelines as listed in Practice under the *California Environmental Act* (Kostka and Zischke 2004) is such that:

A requirement that the project comply with applicable environmental laws or regulations may serve as adequate mitigation of environmental impacts in an appropriate situation. See *Leonoff v Monterey County Bd of Supervisors* (1993) 202 CA3d 1337, 1335, 272CR 372; *Sundstrum v County of Mendocino* (1988) 202 CA3d 296, 308, 248 CR 352.

The mitigation measures provided for impacts to potentially jurisdictional resources contained within the Draft PEIR were designed to meet or exceed agency standards via the agency oversight of the final permit approval process and development of the final mitigation measures in collaboration with the resource agencies that are compelled by their mandate to protect them.

With respect to alternatives, as required by, and in accordance with CEQA Guidelines Section 15126.6(a), Chapter 4.0 of the Draft PEIR considers, "a range of reasonable alternatives...which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project...there is no ironclad rule governing the nature or scope of the alternatives to be discussed other than the rule of reason." The rule of reason requires that only those alternatives needed to permit a reasoned choice need to be analyzed in detail, and the alternatives should be limited to those that would avoid or reduce significant impacts,

and only those that would feasibly meet most of the project objectives would require detailed study (CEQA Guidelines Section 15126.6(f)).

The Draft PEIR includes several mitigation strategies for reducing erosion; mitigation measures MM 3.8-1, M 3.8-2, and M 3.8-5 describe specific strategies for reducing runoff that would not adversely affect current erosion or water quality conditions. Please refer to additional discussion of BMPs that can be used to reduce site runoff, referenced on page 3.8-33-34. As stated on page 3.8-37, implementation of mitigation measures M 3.8-1 through M 3.8-4 would reduce potential Proposed Project impacts on water quality to less-than-significant levels, with the exception that water quality impacts associated with pesticides, which are classified as significant and unmitigatable due to the impaired status of the watershed. The addition of mitigation measure M 3.8-5 would assure that post-project stormwater runoff peak flows would not exceed existing conditions, which would prevent an increase in potential streambed and bank erosion. Therefore, the Draft PEIR analysis and mitigation of potential erosion and pollutant adverse impacts is adequate.

Alternatives, like mitigation measures are a way to reduce or eliminate significant impacts that can not be reduced to less than significant through mitigation alone. The only significant unmitigated water quality impact is associated with pesticide use, and there is no feasible alternative that would insure that pesticide impacts could be reduced to less than significant, given the impaired status of the watershed. Furthermore a PEIR is not deficient if it excludes other potential alternatives from its analysis if it discusses a reasonable range of alternatives.

RTC WQCB-4 The State Water Resources Control Board (SWRCB) is preparing a feasibility study for the Borrego Canyon Wash, which would provide additional recommendations for channel restoration and stabilization (Chang Study). The RWQCB and the City of Lake Forest recognize that this is an ongoing effort with the County of Orange and the SWRCB. Currently, this study is not complete; however, when information becomes available the City will review the results of the study.

The existing Draft PEIR document recognizes the need for site-specific analysis of water quality pollution potential and mitigation and requires preparation of a WQMP (MM 3.8-1) (See RTC-WQCB-7) during the permitting process. As additional data becomes available for identifying potential impacts and effective mitigation strategies, these can be incorporated into the WQMPs and the City of Lake Forest can implement guidelines to maximize effectiveness. The study currently being conducted will provide important information for restoration and restabilization of the Borrego Canyon Wash; however its suitability for defining and designing mitigation strategies for individual site development remains uncertain. When this study is complete, findings and recommendations would be examined by the City of Lake Forest and pertinent strategies implemented as necessary and feasible.

RTC WQCB-5 Existing TMDLs are already noted in the existing Draft PEIR (page 3.8-3 and 3.8-30); however, language has been amended to specify the existing TMDLs for each applicable reach within the San Diego Creek watershed. Furthermore, this discussion has been amended to include identification of specific impairments where TMDLs will

be developed, whether or not a date of completion has been identified. Specifically, a description of existing and anticipated TMDLs for the Lower Newport Bay, Upper Newport Bay, and San Diego Creek Reaches 1 & 2 (p 3.8-13) has been incorporated into existing language in Regulatory Environment and Section on “Water Quality Issues” (p. 3.8-30).

Under the Regulatory Environment, State section, *Porter Cologne Act* subheading, the following paragraph has been added to the end of that discussion on page 3.8-13:

The Proposed Project sites drain into either the Borrego Canyon Wash, Serrano Creek, or Aliso Creek. Beneficial uses listed for Borrego Canyon Wash, Serrano Creek, and Reach 2 of San Diego Creek include intermittent use for groundwater recharge, contact and noncontact recreation, warm water aquatic life support, and wildlife habitat. Beneficial uses listed for Reach 1 of San Diego Creek include contact and non-contact recreation (however access is prohibited for contact recreation), warm water aquatic life support, and wildlife habitat. No numeric objectives are listed for Serrano Creek or Borrego Canyon Wash, aside from the California Toxics Rule criteria and general Basin Plan objectives. Site-specific water quality objectives for Reach 1 of San Diego Creek are 1,500 mg/L total dissolved solids objective, 13 mg/L total inorganic nitrogen objective, and 90 mg/L chemical oxygen demand objective. Site specific objective for Reach 2 of San Diego Creek are 720 mg/L total dissolved solids objective and 5 mg/L total inorganic nitrogen objective.

TMDLs have been developed for portions of the San Diego Creek and Newport Bay system in order to attain designated beneficial uses. Consequently, discharges into these waterbodies can be expected to comply with the existing TMDLs load allocations. Furthermore, additional TMDLs may be developed in the future to address all causes of impairment. Existing TMDLs for the applicable waterbodies are:

Specific TMDLs:

San Diego Creek Reach 2: none

San Diego Creek Reach 1: Nutrient TMDLs—14 pounds total nitrogen total daily load by Dec 31, 2012

San Diego Creek Overall:

Sediment TMDLs—no more than 28,000 tons per year of sediment shall be discharged to San Diego Creek and its tributaries from open space areas within the watershed, no more than 19,000 tons per year shall be discharged to San Diego Creek and its tributaries from agricultural land, no more than 13,000 tons per year discharged to San Diego Creek and its tributaries from construction sites, and no more than 2,500 tons per year discharged to San Diego Creek and its tributaries from urban areas.

Pesticides/Organics TMDLs—Diazinon 80 ng/L acute, 50 ng/L chronic; chlorpyrifos 20 ng/L acute and 14 ng/L chronic concentrations. Some TMDLs have not yet approved by the RWQCBs or included in the Basin Plan; however, staff recommendations are: Chlordane (4.5 ug/kg sediment dw), Dieldrin (2.85 ug/kg sediment dw), DDT (6.98 ug/kg sediment dw), PCBs (34.1 ug/kg sediment dw), and Toxaphene (0.1 ug/kg sediment dw).

Metals TMDLs—selenium, lead, copper, cadmium, and zinc

Newport Bay:

Nutrient TMDLs—reduce total nitrogen loads by 50 percent by 2012; 15,862 pounds total nitrogen total summer load by Dec 31, 2007; 14,364 pounds total nitrogen total winter load by Dec 31, 2012; and 62,080 pounds of total phosphorous total annual load by Dec 31, 2012.

Sediment TMDLs—no more than 28,000 tons per year of sediment shall be discharged to Newport Bay from open space areas within the watershed, no more than 19,000 tons per year shall be from agricultural land, no more than 13,000 tons per year from construction sites, and no more than 2,500 tons per year discharged from urban areas.

Fecal Coliforms TMDLs—5-sample/30-days Geometric Mean less than 200 organisms per 100 mL and not more than 10 percent of samples exceed 400 organisms per 100 mL for any 30-day period by Dec 30 2013. Monthly Median less than 14 organisms per 100 mL and not more than 10 percent of samples exceed 43 organisms per 100 mL by Dec 30, 2019.

Pesticides and Organics TMDLs—Chlorpyrifos 20 ng/L acute and 9 ng/L chronic concentrations. Some TMDLs have not yet approved by the RWQCBs or included in the Basin Plan; however, staff recommendations are: Chlordane 248.01 g/year, Dieldrin 208.38 g/year, DDT 327.15 g/year, PCBs 256.7 g/year, and Toxaphene 7.27 grams per year.

Metals TMDLs—selenium, lead, copper, cadmium, and zinc

Beneficial uses for Aliso Creek are agriculture, non-contact recreation, warm water aquatic life support, and wildlife habitat. Contact recreation is listed as a potential beneficial use. Site specific water quality objectives for the Laguna Hydrologic Area, to which Aliso Creek is a part of, are 1,000 mg/L total dissolved solids, 400 mg/L chloride, 500 mg/L sulphate, 60 percent sodium, 0.3 mg/L iron, 0.05 mg/L manganese, 0.75 mg/L boron, and 20 NTU turbidity. See San Diego Region Basin Plan Table 3.2 for other substances including nitrogen and phosphorous. TMDLs have not yet been established for Aliso Creek, however, it is listed as impaired by bacteria indicators, phosphorous, and toxicity. It can be expected that future TMDLs would be developed for these parameters.

RTC WQCB-6 Designated beneficial uses for San Diego Creek and Aliso Creek are identified in the Environmental Setting section (p 3.8-2 to 3.8-3) along with their impairment assessment determinations (303(d) list parameters). As noted in the Water Quality Issues discussion (p. 3.8-30), reaches along San Diego Creek and Newport Bay have been listed as impaired and are therefore considered in non-attainment of beneficial uses. Aliso Creek has also been listed as impaired and in non-attainment of beneficial uses. The Regulatory Environment (p. 3.8-13) notes that the Santa Ana and San Diego Basin Plans designate the beneficial uses for surface and ground waters and set narrative and numeric objectives for meeting these beneficial uses.

The Draft PEIR discusses the potential impact of the Proposed Project on surface water runoff and water quality and concludes there would be no significant increase over existing conditions. Implementation of regulatory requirements and mitigation measures MM 3.8-1 through MM 3.8-5 would assure that Proposed Project potential impacts to water quality would be less than significant. Consequently, the Draft PEIR adequately addresses the likely impacts on beneficial uses; if pollutant and stormwater

loads do not increase, waterbody existing support of beneficial uses will not change. However, in order to clarify this issue and specify site-specific conditions and specific TMDLs, language has been added to the PEIR.

Under the Environmental Setting, Santa Ana River Basin section, p 3.8-2, the last paragraph was replaced with:

Borrego Canyon Wash and Serrano Creek drain into San Diego Creek, which discharges into Newport Bay. San Diego Creek Reach 2 is listed as impaired (not meeting its beneficial uses) by metals and unknown toxicity, San Diego Creek Reach 1 is listed as impaired by fecal coliforms and pesticides, and Upper and Lower Newport Bay are listed as impaired by metals and pesticides with potential sources of impairment being contaminated sediment, agriculture, and urban/stormwater runoff, and unknown nonpoint sources. Aliso Creek is listed as impaired by bacteria indicators, phosphorous, and toxicity with urban/stormwater runoff, unknown nonpoint sources, and unknown point sources as potential sources of impairment.

Under the Water Quality Issues section of Impact 3.8-4 (p. 3.8-30) replace the first sentence with:

Assessment of water quality in San Diego Creek, Aliso Creek, and Newport Bay indicate that these waterbodies are impaired and do not meet their designated beneficial uses. Aliso Creek is 303(d) listed as impaired by bacteria indicators (e.g., fecal coliforms), phosphorous, and toxicity (e.g., pesticides and metals in water and sediment); Newport Bay is listed as impaired by nutrients (nitrogen and phosphorous), metals, pesticides, and bacteria indicators; and San Diego Creek is listed as impaired by nutrients (nitrogen and phosphorous), sediment, and toxics (pesticides and metals in sediment and water)

Add the following text to the end of the second paragraph on p. 3.8-33 (impact conclusion statement for construction phase):

... and therefore, beneficial uses of Aliso Creek and San Deigo Creek, as well as its tributaries, would not be significantly impacted.

Add the following text after the first sentence of the last paragraph on p. 3.8-37 (impact conclusion statement for post-construction phase):

... and attainment of designated beneficial uses for Aliso Creek and San Diego Creek, as well as its tributaries, would not be significantly altered compared to existing conditions.

RTC WQCB-7

For all potential BMPs, including detention basins, engineering principles outlined in the *City of Lake Forest Water Quality Management Plan (WQMP) Template User's Guide* and other engineering references, would be used to assure that engineering structure and capacity are designed to adequately treat stormwater. Furthermore, Mitigation Measure 3.8-1 requires that the WQMP obtain approval by the City Engineer to make certain that the types of BMPs are appropriate and that the design, placement, and design capacity of BMPs are adequate. Assessment of design specifications for Proposed Project sites will be analyzed when specific projects are formally proposed and when specific land uses and drainage patterns/conveyances are identified.

Additional measures for reducing runoff and improving water quality (aside from detention basins) are referenced on pages 3.8-33 to -34 and include many aspects of Low Impact Design measures. Each site-specific project's WQMP and overall design would be evaluated for incorporation of appropriate BMPs to the maximum extent practicable.

As discussed in detail in Topical Response 2, the analysis for potential impacts of the project is "programmatic" and a project-level analysis and mitigation will be required when specific projects are proposed for any of the sites identified programmatically in this Draft PEIR. Therefore, any potential analysis as it relates to future projects would be provided in detail within project-level environmental documents.

Please see Topical Response 3 which detailed BMP's and other standard conditions of approval, including NPDES permit (CAS618030) requirements.

RTC WQCB-8 Development of some Proposed Project sites could result in construction of storm drains outfalls that may require CWA Section 404 permit and 401 certification. Potential permit requirements are identified on page 2-20 to 2-21 of the Draft PEIR. As discussed in detail in Topical Response 2, the analysis for potential impacts of the project is "programmatic" and a project-level analysis and mitigation will be required when specific projects are proposed for any of the sites identified programmatically in this Draft PEIR. Consequently, it is not possible to identify either site specific impacts or feasible mitigation measures for potential site-specific impacts prior to obtaining site-specific details, plans, and analysis. In keeping with the analysis required for a programmatic EIR, the potential specific mitigation measures would be identified when development is proposed for individual sites. Mitigation measures 3.8-1 and 3.8-4 ensure the use of Best Management Practices and the preparation of a Water Quality Management Plan. The added mitigation measure MM 3.8-5 would assure that post-project runoff does not exceed existing conditions. There is no additional information available at this time that would change the conclusions of the analysis. The WQCB's request for early consultation regarding applications for project-level permits is noted and it is anticipated that the individual projects will comply with this request.

RTC WQCB-9 The commenter requests that a long-term strategy be developed for stabilization and restoration of Serrano Creek and Borrego Wash. As detailed in Topical Responses 5 issues regarding the stabilization and restoration of Serrano Creek and Borrego Canyon Wash are the result of prior development and destruction of riparian vegetation resulting from prior flood events that have contributed to existing bank destabilization and sediment transport. While the City is committed to establishing a long-term strategy for addressing these existing conditions, the repair of existing conditions located off the project site are outside the scope of this project. Please refer to Topical Response 5.

Please also see Section 7.2 of Chapter 7, the Recirculated DPEIR.

It should be noted that implementation of sediment (and sediment-associated pollutants) TMDLs will require a reduction in sediment loads within the San Diego Creek watershed by 50 percent by the end of 2012. The City of Lake Forest is

included as a responsible agency in RWQCB Resolution 98-101, which sets the regulatory load allocations for sediment. Bank erosion from the Serrano Creek and Borrego Canyon Wash are considered major sources of sediment to San Diego Creek and Newport Bay. Consequently, existing TMDLs are directly applicable to stabilization of these creeks.

8.2.3 Responses to Comments from Individuals

This section contains responses to comments on the Draft EIR that were received from individuals. All of the original comment letters, in their entirety, are provided before the responses. Consistent with Sections 15088(a) and 15088(b) of the CEQA Guidelines, comments that raise significant environmental issues are provided with responses. Comments that are outside of the scope of CEQA review (i.e., where a comment does not raise an environmental issue, or where it expresses the subjective opinion of the commenter) will be forwarded for consideration to the decision-makers as part of the project approval process; these comments are answered with the phrase, "Comment noted," but no response is provided. All comments will be considered by the City when making a decision on the project. The comments and responses are organized by acronym as shown in Table 8.2-14. For an alphabetical listing by last name see Table 8.1-2.

Table 8.2-14
List of Commenters on the Draft EIR
Individuals
(by Acronym)

<i>Commenter</i>	<i>Comment Letter</i>	<i>Date</i>
Rimland, Anthony and Carol	ACRI	3/26/2006
Melonsini, Annette and Dante	ADME	3/27/2006
Goldstein, Ron	ANGO	3/3/2006
Plaskett, Angela	ANPL	3/24/2006
Tucker, Larry (Baker Ranch Properties)	BAKE	3/24/2006
Andrews, Beth	BEAN	3/23/2006
Sagey, Betsy	BESA	3/26/2006
Tillmans, Bob and Janice	BJTI	3/21/2006
Gardemal, Bob	BOGA	3/20/2006
Ydens, Bob	BOYD	3/16/2006
Browning, Carol	CABR	3/27/2006
Gogin, Cathy	CAGO	3/27/2006
Herkes, Carolyn	CAHE	3/22/2006
Herkes, Carl	CARL	3/22/2006
Shih, Carolyn	CASH	3/22/2006
Knox, Cheryl	CHKN	3/20/2006
Krout, Chandra	CHKR	3/28/2006
Stone, Christina	CHST	3/4/2006
Carroll, Chris and Monique	CMCA	3/15/2006
Stevens, Cathy and Mark	CMST	3/21/2006
Costello, Colleen	COCO	3/27/2006
Ferguson, Carol and Rus	CRFE	3/27/2006
Miller, Darla	DAMI	3/26/2006
Miller, Darla	DAMI2	3/2/2006
Silva, Dana and David	DASI	3/10/2006
Silver, Dan	DASI2	3/13/2006
Brown, Debra	DEBR	3/20/2006
Byford, Debra	DEBY	3/4/2006
Loggins, Denis and Denise	DELO	3/3/2006
Thiercof, Debbie	DETH	3/4/2006

Table 8.2-14
List of Commenters on the Draft EIR
Individuals
(by Acronym)

<i>Commenter</i>	<i>Comment Letter</i>	<i>Date</i>
Tompkins, Dan	DHTO	3/15/2006
Maxey, David	DLMA	3/26/2006
Vieria-Blake, Dot	DVBL	3/27/2006
Gogin, Edward	EDGO	3/27/2006
Minami, Elaine	ELMI	3/25/2006
Wallace, Elizabeth	ELWA	3/2/2006
Wallace, Elizabeth	ELWA2	3/27/2006
Riggert, Eric and Melissa	EMRI	3/25/2006
Wanner, Ed and Mary	EMWA	3/26/2006
Keeby, Erin	ERKE	3/24/2006
Wheeler, Esther	ESWH	3/3/2006
Sayers, Evonne	EVSA	3/27/2006
Mona, Gail	GAMO	3/2/2006
Miller, Geoffrey	GEMI	3/26/2006
DeBerg, Glenn	GLBE	3/8/2006
Michael, Glen	GLMI	3/26/2006
Hoy, Greg	GRHO	3/9/2006
Spangler, Greg	GRSP	3/27/2006
Daynes, Glenn and Sheryl	GSDA	3/8/2006
Arden, Heidi	HEAR	3/14/2006
Banner, Heather	HEBA	3/24/2006
Abrahams, Howard	HOAB	3/21/2006
Morrel, Ian and Amanda	IAMO	3/20/2006
Albers, James	JAAL	3/7/2006
Macy, Janet	JAMA	3/21/2006
Moreland, James	JAMO	3/28/2006
Paulsen, Janine	JAPA	3/15/2006
Tillmans, Janice	JATI	3/16/2006
Tillmans, Janice	JATI2	3/16/2006
Tillmans, Janice	JATI3	3/20/2006
Tillmans, Janice	JATI4	3/20/2006
Tillmans, Janice	JATI5	3/21/2006
Little, John and Cynthia	JCLI	3/26/2006
Andrews, Jeff	JEAN	3/20/2006
Andrews, Jeff	JEFF	3/25/2006
Paulsen, Jeffrey	JEPA	3/24/2006
Reichle, Jill	JIRE	3/27/2006
Paulsen, Janine	JJPA	3/15/2006
Malloy, Mike	JMMA	3/8/2006
Faltys, John	JOFA	3/15/2006
Frum, Joy	JOFR	3/3/2006
Funderburke, Johnna	JOFU	3/22/2006
Reilly, John	JORE	3/20/2006
Wallin, John	JOWA	3/7/2006
Nakase, Kathy	KANA	3/26/2006
Tran, Katrina	KATR	3/12/2006
Waite, Kathy	KAWA	3/24/2006
Zechmeister, Kathy	KAZE	3/11/2006
Salaya, Keith	KESA	3/2/2006
Haskins, Kristen	KRHA	3/2/2006
Hull, Lair	LAHU	3/6/2006

Table 8.2-14
List of Commenters on the Draft EIR
Individuals
(by Acronym)

<i>Commenter</i>	<i>Comment Letter</i>	<i>Date</i>
Angel, Mark	MAAN	3/27/2006
DeBellis, Mark	MADE	3/3/2006
El Harake, Maureen	MAEH	3/16/2006
Herlevic, Matthew	MAHE	2/28/2006
Allen, Megan	MEAL	3/14/2006
Riggert, Eric and Melissa	MERI	3/6/2006
Riggert, Eric and Melissa	MERI2	3/9/2006
Allen, Mike and Renee	MIAL	3/3/2006
Copelan, Mike	MICO	3/3/2006
Henslick, Michelle	MIHE	3/4/2006
Manser, Stuart	MIMA	3/6/2006
Travers, Morse	MOTR	3/13/2006
Bukirin-Druce, Ofelia	OFBD	3/24/2006
Meyers, Peter J.	PEME	3/27/2006
Falcitti, Phillip	PHFA	3/17/2006
Henniger, Patricia and Randy	PRHE	3/23/2006
Adams, Cindy	RCAD	3/7/2006
McGirr, Robert and Claire	RCMO	3/25/2006
Simpson, Richard Jr.	RISI	3/26/2006
Simpson, Richard	RISI2	3/27/2006
Woolsey, Ray and Jennifer	RJWO	3/21/2006
Bartlett, Rick and Lori	RLBA	3/21/2006
Bray, Robert	ROBR	3/19/2006
Richter, Robin	RORI	3/19/2006
Tillmans, Robert	ROTI	3/16/2006
Kim, Ruth	RUKI	3/22/2006
Kimball, Sandie	SAKI	3/21/2006
Bridgman, Shari	SHBR	3/3/2006
England, Shirley	SHEN	3/23/2006
Polenske, Shawnene	SHPO	3/26/2006
Bridgman, Shari and Laird	SLBR	3/24/2006
Moayedghyasy, Soudabeh	SOMO	3/24/2006
Polenske, Shawnene and Steve	SSPO	3/17/2006
Dubiansky, Joanne	STDU	3/18/2006
Moss, Stuart	STMO	3/19/2006
Nakase, Steve	STNA	3/14/2006
Negri, Steve	STNE	3/3/2006
Preston, Stephanie	STPR	3/19/2006
FitzGerald, Susan	SUFI	3/3/2006
Narta, Susan	SUNA	3/22/2006
Neuville, Tim	TINE	3/3/2006
Neuville, Tim	TINE2	3/16/2006
Paone, Tim	TIPA	3/27/2006
Randel, Tom	TORA	3/21/2006
Adamski, Tracy	TRAD	3/27/2006
Pinsker, Victor and Sharon	VIPI	3/27/2006

ACRI

Anthony and Carol Rimland
19281 Sleeping Oak Dr.
Trabuco Canyon, Ca. 92679
Portola Hills
March 26, 2006

RECEIVED
CITY OF LAKE FOREST
CITY CLERK'S OFFICE

06 MAR 27 P4 06

CC
H. Ackerman

Mr. Richard T. Dixon, Mayor

Dear Sir,

The purpose of this letter is to express our deep concern about the planned development in the Portola Hills area as proposed by the Lake Forest Opportunities Study. We are current residents and original homeowners who have lived in Portola Hills for over 17 years. We serve in NO official capacity on our homeowner's association board or at the elementary school. Our concerns are that of homeowners, residents of the community and parents. We feel that as homeowners in Portola Hills we have not been fully informed regarding this development.

We are fully aware of the problems at Portola Hills Elementary School regarding land movement, the unstable grading of the slope behind Jasper Hill Rd. which resulted in litigation with the Baldwin Company, and many other issues in the surrounding area pertaining to unstable ground.] 1

Wetlands, wildlife and air pollution are major concerns for us and feel that a smaller housing project would be less intrusive in the area. School overcrowding is already an issue at all levels of the education system in our city. This huge project will not help the present Lake Forest residents with the overcrowding conditions at our elementary, junior high and high schools.] 2

Traffic, taxes and the Baldwin Company itself have not been addressed in any way to allow us to accept the proposed development as it is in the present condition that have been made available to us from various neighbors, NOT the City of Lake Forest.] 3

Please take into consideration all of these issues when discussing this project as many neighbors are not aware of, or are proposed to such a large development at this present time, and, especially because of the Baldwin Company based on past bad experiences in our neighborhood.

Our present quality of life is being compromised with this decision. Is this what incorporating with Lake Forest means?

We would appreciate a response to our issues and concerns.

Regards,

Anthony and Carol Rimland

Anthony and Carol Rimland
(949)858-8473

■ Response to Comments: ACRI

- RTC ACRI-1 Please see Topical Response 7 which addresses concerns in the Portola Hills area including schools and land movement. The commenter notes that land movement has occurred in the vicinity of the project area. The Draft EIR examined potential impacts related to land movement and stability in Section 3.6, Geology and Seismicity. The analysis determined that compliance with the California Building Code would prevent potential adverse effects.
- RTC ACRI-2 Your comment will be included in the Final PEIR and provided to the decision-makers for review and consideration during their deliberations of whether or not to approve the Proposed Project. The Draft EIR includes an analysis of potential impacts to wildlife and their habitats, including wetlands, air pollution, and school overcrowding. In addition, the Draft EIR examined a range of alternatives to the Proposed Project.
- RTC ACRI-3 Please see Topical Response 7 which addresses concerns in the Portola Hills area.

ADME

Ackerman, Gayle

From: dante [melosini@sbcglobal.net]
Sent: Monday, March 27, 2006 2:50 PM
To: Opportunities_Info
Subject: Comments regarding Portola Center

Annette and Dante Melosini
19315 Echo Pass Road
Portola Hills, TC Ca 92679

Dear Mayor Dixon,

As residents of Portola Hills, we are very concerned about the plans to expand our community by 1132 new homes.

Some of our concerns are regarding how much traffic noise will increase and the traffic impact at Saddleback Ranch Road and Glenn Ranch from such a development.] 1

We are also very concerned about the increase number of students at PHE when there aren't even enough buildings to house the existing number of students. Part of this problem lies in the fact that Baldwin never fixed PHE. Will the city of Lake Forest require that they do so before they continue their plans?] 2

What are the grading volumes for Portola Center? Will it be built with the natural topography of the site? Can't the city agree to a reduced-density project of just single family homes on 5000sq. feet lots?] 3

The current residents of Portola Hills would like to be heard. Can some sort of community meeting be held?] 4

Thank you for your consideration to this matter.

Annette and Dante Melosini

■ Response to Comments: ADME

- RTC ADME-1 Please see Topical Response 7 which explains the change in allowable density that would result from the project and addresses concerns in the Portola Hills area. Noise is addressed in Section 3.10 of the Draft PEIR.
- RTC ADME-2 Please see Topical Response 7 which addresses concerns in the Portola Hills area including schools and slope stability, Topical Response 8 regarding schools and Topical Response 10 regarding landslide. Noise is addressed in Section 3.10 of the Draft PEIR.
- RTC ADME-3 The commenter is requesting additional project-specific information. Specific grading volumes that would be required to develop Portola Center are not known at this time as a development plan has not been submitted to the City. Additional CEQA review will be required upon submittal of the development plan for Portola Center. Please see Topical Response 2 which explains program verse project-level environmental review.

Additionally, the comment requests a reduced density development project alternative. Alternatives usually take the form of no project, reduced project size, different project design, different range of uses, or suitable alternative project sites. The range of feasible alternatives is selected and discussed in a manner to foster meaningful public participation and informed decision-making. The factors that may be taken into account when addressing the feasibility of alternatives (as described in CEQA Section 15126.6(f)(1)) are as follows:

- Environmental impacts
- Site suitability
- Economic viability
- Availability of infrastructure
- General plan consistency
- Regulatory limitations
- Jurisdictional boundaries
- Proponent's ability to reasonably acquire, control, or otherwise have access to the alternative site

Please refer to Chapter 4, Alternatives to the Proposed Project, for a discussion of alternative plans to the proposed Plan, including page 4-5 for a discussion of the Reduced Density Alternative, and page 4-6 for a discussion of the No Development/No Project Alternative. Please also see Topical Response 11 regarding Alternatives.

- RTC ADME-4 Please see Topical Response 12 regarding noticing and the public participation process. You have been added to the mailing list. Up-to-date information regarding the proposed project is also available on the City's website at: <http://www.city-lakeforest.com/opportunitiesstudy/about.php>. A hearing will be held prior to adoption of the PEIR.

10.

ANGO

Page 1 of 1

Ackerman, Gayle

From: Ron Goldstein [rgoldstein14@cox.net]
Sent: Friday, March 03, 2006 10:32 AM
To: Opportunities_Info
Subject: Strongly Opposed to Portola Hills Housing Development

Hi Gayle,

My husband and I, who are fourteen-year Portola Hills residents, just learned of the proposed housing development for Portola Hills (along Glenn Ranch/Saddleback Ranch) and wanted to immediately e-mail you our strong opposition to this project and request a public hearing in Portola Hills. Thank you for your consideration.] 1

Sincerely,
Anita & Ron Goldstein
28575 Malabar Road
Trabuco Canyon, CA 92679

■ Response to Comments: ANGO

RTC ANGO-1

Your comment will be included in the Final PEIR and provided to the decision-makers for review and consideration during their deliberations of whether or not to approve the Proposed Project. Please see Topical Response 12 which explains the public participation process for the project. A hearing will be held prior to adoption of the Final PEIR and any action on the project.

ANPL

Ackerman, Gayle

From: Angie Plaskett [aplaskett@cox.net]
Sent: Friday, March 24, 2006 3:17 PM
To: Opportunities_Info
Subject: Portola Hills Development

To the City of Lake Forest:

My name is Angela Plaskett. I live at 28251 Millwood Rd. in Portola Hills. I have concerns regarding the plans to build many new houses and apartments in my neighborhood. I am asking for you to consider to reduce the density of these units for congestion and environmental reasons. I have three children that attend Portola Hills Elementary School. I wonder how the school will be able to accommodate close to 1,000 new students! I am also aware that there are many species of wildlife that will be moved out of their homes and the noise and air pollution will increase dramatically.

I hope you will listen to the residents of Portola Hills and reevaluate your plans to include less homes and apartments in our area. In doing so you will decrease the population of people and have less traffic and also save some of the natural topography that makes Portola Hills such a desirable place to live.

Thank you,

Angela Plaskett
28251 Millwood Rd.
Trabuco Canyon, Ca.
92679

■ Response to Comments: ANPL

RTC ANPL-1 Your comment will be included in the Final PEIR and provided to the decision-makers for review and consideration during their deliberations of whether or not to approve the Proposed Project. Please see Topical Response 7 which explains the change in allowable density that would result from the project and addresses concerns in the Portola Hills area. Please also see Topical Response 8 regarding schools and Topical Response 11 regarding alternatives.

BAKE

RECEIVED

MAR 28 2006

CITY OF LAKE FOREST
DEVELOPMENT SERVICES DEPT



BAKER RANCH, LLC

March 24, 2006

Gayle Ackerman,
Director of Planning
City of Lake Forest
25550 Commercentre Drive, Suite 100
Lake Forest, Ca 92630

Re: Opportunities Study Program EIR

Dear Gayle:

On behalf of Baker Ranch Properties, I would like to offer the following comments on the City of Lake Forest Opportunities Study Program EIR.

1. At page xxi, Alternative 3, of the Executive Summary, the park on Site 4 will not fit on the southern portion of Site 4. Site 4 will be split by the future extension of Rancho Parkway. The land area on the southern side of Rancho Parkway will be about 14 acres. So if the split park scenario is implemented in part of Site 4, some or all of the 20-acre park will need to be on the north side of Rancho Parkway.
2. At Table 2-8, at page 2-19, the Characteristic of the "Connection of Alton Parkway" is shown as "Constructed during initial phases of residential development." Because of the length of the grading operation involved in installing Alton, and the project timing of other portions of the Opportunities Studies Areas, it is likely that other development not involving Site 1 will happen in the Opportunities Study area and that the connection of Alton may not occur until somewhere between the initial and middle phases of the project development. Therefore, the more accurate language would be: "Constructed prior to the later phases of residential development."
3. At page 4-89, Section 4.8.1, again mention is made of the 20-acre park being located on the "southern portion of Site 4". See comment 1 above.
4. At page 4-89, Section 4.8.1, the paragraph after Table 4-23 states that the City Council may "consider a modification to this alternative allowing a substitution of some residential development for proposed commercial development in order to fund the public facilities at the project level." The word "some" is superfluous. Further, in that same paragraph, listed as condition 3 to such a land use change is that such a change "provides the same or greater fiscal benefit as the Project". This language should be deleted since fiscal benefit has no affect on the physical impacts to the environment from the Project.
5. If the City Council allows the substitution of residential for commercial on a property designated as MU, then that site will need to be redesignated in whole or in part as a residential property. Further, the color designation in Figure 2-4 (Proposed Project Land Use Map) will need to be changed. Similarly, the Tables 2-3, 2-4 and 2-9 will also need

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to be changed to modify acreages dedicated to types of uses, or types of uses on specific properties. There may be other portions of the DEIR which would also have to be modified to account for any such changes, but I have not reviewed the entirety of this lengthy document to ascertain if other changes for consistency would be required.

6

Thank you for the opportunity to comment on the Program EIR.

Best regards,

Baker Ranch Properties

By: 

Larry Tucker
Co-Managing Member

cc: Michael M. Watkins

■ Response to Comments: BAKE

- RTC BAKE-1 Specific comment will be addressed in the responses which follow.
- RTC BAKE-2 The alignment of Rancho Parkway has not been determined; therefore the precise land area south of the future Ranch Parkway is unknown. Conceptually, the alternative describes, as illustrated on Figure 4-6 that the southern portion of Site 4 would be used for the public facilities. This leaves the portion of the site closest to SR-241 for development. The alternative analysis indicates that the property used for public facilities would be located generally south of Rancho Parkway, however, if there is not a total of 20 acres south of Rancho Parkway, the facilities would be bifurcated by the roadway. This fact does not affect the program-level analysis, therefore, the comment is noted and no changes will be made to the document.
- RTC BAKE-3 This suggested change in language does not affect the analysis and is therefore not necessary.
- RTC BAKE-4 See RTC BAKE-2.
- RTC BAKE-5 This comment references a discussion of the options for the City Council to consider adoption of project alternatives as discussed in the DPEIR, or any modifications of an alternative analyzed in the DPEIR which is within the envelope of the impacts. The language regarding fiscal benefits is a finding that would be made by the City Council in adopting a project alternative. This language will not be modified.
- RTC BAKE-6 The MU designation allows for commercial or residential land uses or a land use which combines commercial and residential within the same site or in close proximity. Please see the definition of Mixed Use in the General Plan Land Use Element. The requested changes are not necessary.

BEAN

Ackerman, Gayle

From: bandrews@starvoyagers.com
Sent: Thursday, March 23, 2006 8:54 AM
To: Opportunities_Info
Subject: Baldwin Development Proposal for Portola Hills

Ms. Gayle Ackerman,

I am a current resident who has lived in Portola Hills for over 12 years. I love the Portola Hills community and want to insure that the community's quality of life is not negatively impacted. For this reason, I am writing to express some of my concerns over the proposed Baldwin development in Portola Hills and to request for your feedback.

I have heard that Baldwin's development plans will increase the population of Portola Hills by 50 percent. How will the City of Lake Forest address the additional students added by this development? The local elementary school has a land movement problem that has already required the addition of portable classrooms to the campus. Will the City of Lake Forest add a new school to Portola Hills? Will the city correct the current land movement problem at Portola Hills Elementary?] 1

I am assuming that this new development will require new bond financing to fund the proposed improvements. Will this extend the term and increase the amount of the existing Mello Roos property taxes paid by current residents? Or will the residents of the new development have a separate Mello Roos bond for their property?] 2

A 50% increase in population will significantly increase automobile traffic. How will the City of Lake Forest address this increase in traffic congestion? Right now, Glenn Ranch and Saddleback Ranch are very congested during peak commute hours. Does the City of Lake Forest have a plan to modify these two roads that serve as the main access to and from the Portola Hills community? Moreover, the traffic congestion on El Toro Road, Lake Forest and Bake Parkway are already an issue for city residents. What will be done to address the additional cars on these roads? Will Alton Parkway be extended? Will Portola Parkway be extended from Foothill Ranch to Irvine?] 3

Finally, there is the concern over the Baldwin Company. Most residents are well aware of the dubious track record of the Baldwin Company. Needless to say, we are very uneasy about another Baldwin project in our community. When I first moved-in to my home, I heard for years about the new park that Baldwin was going to build. If not for city's annexation of our community, the present Concourse Park would still be a dirt lot.] 4

The Baldwin Company was also responsible for the grading of areas that are presently having land movement problems. They have declined to correct the school's land movement issue because the statute of limitations has expired. The Baldwin Company has reputation of making promises they do not keep and for not fixing problems they have created. After this experience we are expected to trust them with another project? Their proposal reminds me of the expression, "Fool me once, shame on you. Fool me twice, shame on me."] 4

How does the City of Lake Forest plan to hold the Baldwin Company accountable for this proposed development? How will City of Lake Forest address the concerns mentioned above?

Beth Andrews

■ **Response to Comments: BEAN**

- RTC BEAN-1 Please see Topical Response 7 which explains the change in development density in the Portola Hills area that would result from the proposed project and issues in the Portola Hills area including schools. Please also see Topical Response 8 regarding schools and Topical Response 10 regarding landslides.
- RTC BEAN-2 Please see Topical Response 7 which addresses the Mello Roos question.
- RTC BEAN-3 Please see Topical Response 7 which addresses traffic questions in the Portola Hills area, Topical Response 9 regarding traffic and Section 3.14 of the Draft PEIR.
- RTC BEAN-4 Please see Topical Response 7 and Topical Response 10 which addresses landslide issues. Your comment will be included in the Final PEIR and provided to the decision-makers for review and consideration during their deliberations of whether or not to approve the Proposed Project.

BESA

Betsy Sagey
28312 Harvest View Lane
Trabuco Canyon, CA 92679

RECEIVED

MAR 27 2006

March 26, 2006

CITY OF LAKE FOREST
DEVELOPMENT SERVICES DEPT

Ms. Gayle Ackerman
Director of Development Services
Lake Forest Development Services Dept.
25550 Commercentre Drive, Suite 100
Lake Forest, CA 92630

Subject: Proposed Development for Portola Hills

Dear Ms. Ackerman,

My family has lived in Portola Hills for over 11 years. We are very concerned about numerous aspects of the planned development in the Portola Hills area as proposed by the Lake Forest Opportunities Study.

LACK OF SCHOOL AND TRAFFIC CAPACITY

The proposal would add 1,134 homes to our current 2,200. A 1997 proposal to add 618 homes in the same area was rejected, in part because of concerns regarding traffic congestion and lack of school capacity. If the area's roads and schools could not accommodate 618 additional homes in 1997, how could they accommodate 1,134 additional homes now?

How will the Saddleback Valley Unified School District (SVUSD) absorb the additional students into existing schools? Serrano Intermediate is already overcrowded, and land movement at Portola Hills Elementary (PHE) has resulted in closure of 10 or more classrooms, and significant loss of playground area to portable units. It is possible PHE may even be closed temporarily while issues of slope failure are addressed.

The proposed development and retail center will significantly increase traffic along Glenn Ranch Road and Portola Parkway; the latter is already gridlocked between the 241 and Bake Parkway at morning and evening commuting hours. The Draft EIR failed to include a study of the impact of traffic increases at Saddleback Ranch and Glenn Ranch Road, or at El Toro and Glenn Ranch Road.

LAND MOVEMENT

Slope instability has caused numerous problems in the areas within and surrounding Portola Hills. El Toro Road suffered a partial failure that required major repair in 1995, and there have been landslides at St. Michael's Abbey. Baldwin encountered severe unanticipated geological hazards resulting in major increases in the planned grading volumes of Portola Hills, and that grading has proved to be unstable. Baldwin should be held responsible for numerous areas of land movement and slope failure in Portola Hills, such as PHE, slopes behind Jasper Hill Road, and the Portola Hills II recreation center's swimming pool, which has sunk noticeably at one end.

The proposed development would require significant grading and incur risks of additional land movement and slope failure. The DEIR's only mitigation is a mention that the site will be studied during project design. This is insufficient. A safer solution would be a reduced-density alternative development plan which preserves the natural topography of the site.] 2

ENVIRONMENTAL IMPACTS

Wetlands: Will the nine ephemeral drainages to Aliso Creek be graded under Baldwin's proposal?] 3

Wildlife: There is a very high quality habitat at the northeastern corner of the site, with eight pairs of endangered California gnatcatchers, 58 species of wildlife, and 109 acres of rare coastal sage scrub. Will this habitat be graded?] 4

Air Pollution: The project will cause significant increases in air pollution above the existing ambient level.] 5

DRAFT EIR OMISSIONS

The Draft EIR fails to reveal, as required, the scope of the development agreement being negotiated with landowners, and the significant environmental effects anticipated as a result of the project. Also omitted are studies of the impact of traffic increases at Saddleback Ranch and Glenn Ranch Road, or at El Toro and Glenn Ranch Road.] 6
] 7

PLEASE RESPOND TO THE FOLLOWING QUESTIONS AND CONCERNS:

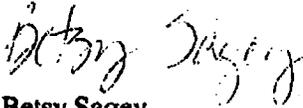
1. Where will the new students attend school?] 8
2. Will the Baldwin Company be required to set aside an elementary school site in the new development?] 9
3. Will the new homeowners be assessed a Mello Roos type tax to fund the increase in enrollment?] 10
4. Will the Baldwin Company be required to fix the current PHE land movement issues before commencing the proposed development?] 11
5. What are the grading volumes for Portola Center?] 12
6. Will our current Mello Roos tax bonds related to PHE construction, foothill traffic circulation, and water districts be increased in length of time and/or dollars to fund required improvements?] 13
7. Will the current Portola Hills landowners have an increase in Mello Roos taxes?] 14
8. Will new residents of the proposed development have a Mello Roos bond on their property?] 15
9. Will the proposed development include significant changes to the existing traffic patterns at Glenn Ranch Rd. and Saddleback Ranch Rd.?] 16
10. Will the proposed development be delayed until the extension of Alton Parkway from Trabuco to the 241 is completed, to relieve the current traffic on Portola Parkway?] 17
11. Will the Baldwin Co. be held accountable for the continuing land movement in Portola Hills?] 18
12. What are the details of the development agreement being negotiated for Site 2 Portola Center?] 19

13. Will the City of Lake Forest provide the developer vested rights before the details of the possible significant effects of the Proposed Project are known?] 20
14. Does the development agreement imply approval of the project? 21
15. Will the City of Lake Forest negotiate the development contract with the landowners before receiving comments from the public and local agencies?] 22
16. What are the significant environmental effects anticipated as a result of the Proposed Project? Did the City of Lake Forest provide this list in their public notice? Please provide a copy of the public notice that describes the project, its significant environmental effects, and any land designated as hazardous waste property. } 23
17. How much will traffic noise levels increase? 24
18. Why hasn't the city considered a reduced-density project of single-family homes on 5,000 s.f. lots for Portola Center? { 25

We would prefer a reduced-density alternative development plan which preserves the natural topography of the site and significantly reduces the density of the homes.

Thank you for your response.

Sincerely,



Betsy Sagey

■ Response to Comments: BESA

RTC BESA-1 Your comment will be included in the Final PEIR and provided to the decision-makers for review and consideration during their deliberations of whether or not to approve the Proposed Project. Please also see Topical Response 7 which explains the change in allowable density that would result from the project and addresses concerns in the Portola Hills area. Please also see Topical Response 9 regarding traffic and Chapter 7 which describes Alternative 7.

This comment states that the proposed increase in density of homes in the Portola Center would worsen the existing traffic problems in the area. Section 3.14 (Transportation/Traffic) of the EIR analyzed the potential impacts resulting from the proposed project (including the increase in density within Portola Hills). It should be noted that the Proposed Project includes not only the land uses identified for the project sites, but also adoption of the Lake Forest Transportation Mitigation (LFTM) Program which includes a set of traffic improvements that are a part of the Proposed Project. Thus, Section 3.14 used both existing and projected traffic conditions to analyze the potential for impacts. Potential effects include those associated with increased congestion on roadways, intersections, and on the ramps and segments of freeways/tollways. However, the Traffic Study performed for the proposed project ultimately determined that all traffic impacts would be less-than-significant, with adherence to the LFTM, which is part of the proposed project.

This comment states that the proposed project increase in residential development would result in overcrowding of the areas elementary school. Section 3.12 (Public Services) analyzed the potential impacts resulting from the proposed project on the areas schools. Specifically, page 3.12-12 states, “a potential elementary school site is reserved on Site 1 of the Proposed Project. If a school is ultimately not constructed on Site 1, SVUSD may choose to absorb anticipated K-6 students in existing schools with the use of additional permanent and portable classroom. Secondary level school housing will be addressed through addition of classrooms as described in the section on Project Schools and projected declining enrollment.” See also Topical Response 8 Regarding Schools.

RTC BESA-2 This comment states that the Baldwin Brothers in Portola Hills have a history of poor performance in the area with respect to grading and land preparation for development sites. Section 3.06 (Geology, Soils, and Mineral Resources) of the EIR analyzed the potential impacts to geology and soils in order to ensure that future development under the Proposed Project would not result in impacts (similar to what were identified in this comment.) All future development would be constructed in accordance with statutory requirements. It is recognized that landsliding, whether induced by seismic, meteorological, or human activity, is a real and serious concern of the City and the community. Nonetheless, it is unnecessary for the EIR to present an extensive history of grading activities and landslide locations in, or near, the Project Area to substantiate the necessity for the required compliance with the City’s building and construction regulations or the necessity for appropriate oversight of future grading activities.

The Proposed Project, in itself, does not authorize any grading, excavation, or construction; however, it prepares the planning and zoning groundwork for the City to entertain site-specific development proposals that would involve these types of activities. Although slope stabilization activities (grading, buttressing, etc.) are a reasonably foreseeable outcome of the Proposed Project, without a site-specific project design (which would include site-specific geotechnical investigation and a detailed development proposal), slope-stability analysis of particular locations or contemplating about how they would comply with City regulations would be speculative.

RTC BESA-3

The nine ephemeral drainages located on Site 2, were evaluated and discussed under Section 3.4 (Biological Resources), under impact 3.4-3. The Draft EIR recognizes that, "Implementation of the Proposed Project would result in alteration of some of these waters or disruption of the local hydrology. Fill of wetlands would be considered a potentially significant impact." However, and as listed below, the Draft EIR states, "Mitigation measure MM 3.4-4 shall be implemented as applicable to mitigate for the impacts to wetlands and other aquatic habitats."

MM 3.4-4 Mitigation for Impacts to Wetlands and Aquatic Habitats.

MM 3.4-4-A Wetland Delineation. Prior to approval of Tentative Tract or Parcel Maps, a qualified wetland specialist shall conduct a wetland delineation in accordance with USACE methodology of all jurisdictional waters, seeps and stream channels within a site. If appropriate, this specialist shall also submit a request for a streambed alteration agreement from CDFG because CDFG also has jurisdiction over lakes and streams under Section 1600 of the Fish and Game Code. The wetland specialist shall prepare and submit a request for a jurisdictional determination to the USACE or CDFG as appropriate. Those waters not subject to the USACE jurisdiction could fall under the regulatory control of the local RWQCB. The wetland specialist shall submit the delineation documents along with the USACE jurisdictional determination to the RWQCB and request an assessment of jurisdiction. If the areas in question are subject to the USACE or RWQCB jurisdiction then the following two measures shall be implemented as required. If the areas in question are not jurisdictional, then there is no impact to wetlands and no further action is required.

MM 3.4-4-B Permitting. The wetland specialist shall prepare an application for fill of waters subject to the USACE jurisdiction as determined in MM 3.4-4-A. If appropriate, this specialist shall also submit a request for a streambed alteration agreement from CDFG because CDFG also has jurisdiction over lakes and streams under Section 1600 of the Fish and Game Code. For wetlands that are not subject to the USACE jurisdiction within the Project Area, but RWQCB has indicated that they will assert jurisdiction, an application for a Waste Discharge Requirement or Waiver of Waste Discharge Requirement shall be submitted to the local RWQCB. The regulatory requirements of contained within the Clean Water Act, the Waste Discharge Requirement, and the Streambed Alteration Agreement would mandate minimal intrusion into

jurisdictional areas and compensatory mitigation for permanent impacts to these areas.

MM 3.4-4-C Restoration Plan. Once an approved wetland delineation is in place, the wetland specialist shall develop a comprehensive wetland restoration plan to offset impacts to these resources. Restoration could include on- or off-site construction of wetlands, contribution of funds to a local mitigation bank, or restoration of existing yet relatively poor quality wetlands. The USACE goal is to permit no net loss of functions and values of wetland habitat. The replacement ratio of wetland acreage required to achieve this goal is a minimum of 1(new):1(old).

RTC BESA-4 Please refer to Topical Response 4 for NCCP/HCP, for a complete discussion regarding the potential development of California gnatcatcher and coastal sage scrub habitat. In general, the conceptual plan for Portola Center preserves more area for open space than under the current General Plan. However, because this is a project level analysis, sufficient information is not available to determine which areas will be affected. In any case, appropriate mitigation pursuant to the NCCP/HCP will be required.

RTC BESA-5 The impacts related to air quality for the proposed project were evaluated and discussed in Section 3.3 (Air Quality). The impacts identified by the Draft EIR are summarized in Table ES-2 (Summary of Environmental Effects and Mitigation Measures), and as noted by the comment, the Draft EIR identifies significant, unavoidable impacts associated with the proposed project which require the Lead Agency to adopt a Statement of Overriding Considerations, pursuant to Section 15093(b), if the projects are approved. As required by Sections 15090 through 15093 of the CEQA Guidelines, the Lead Agency is required to adopt written findings on these and other issues prior to certifying the Final EIR and approving the Lake Forest Opportunity Study. In the event that the Lead Agency makes such findings, they would be supported by substantial evidence, including but not limited to the Final EIR.

RTC BESA-6 The scope of the individual development agreements were discussed in Chapter 2 (Project Description), Section 2.5.3 (Development Agreements) of the Draft EIR. As stated on page 2-16, “The Development Agreements have not been executed as of the date that this EIR has been made available for public review. Thus, none of the Development Agreements is finalized and none has been appended to or incorporated into this EIR other than by reference. Although the Development Agreements are not finalized, Chapter 3 of this EIR analyzes the potential environmental impacts that could be caused by the Proposed Project, including those secondary environmental impacts potentially attributable to public facilities funded or constructed through one or more of the Development Agreements.”

The commentator’s concern about the adequacy of the Draft EIR and the impacts related to the individual development agreements that the city would enter into with approval of the proposed project, speaks directly to the issue of “tiering” between a Program EIR and a Project EIR. Tiering refers to the coverage of general matters and environmental effects in an EIR prepared for a policy, plan, program, or ordinance,

followed by narrower or site-specific environmental documents that (1) incorporate, by reference, the discussion in the earlier EIR and (2) concentrate on the environmental effects that are capable of being mitigated or were not analyzed as significant effects on the environment in the earlier EIR. As explained on page 1-2 of the EIR, Section 15168(c) of the CEQA Guidelines requires subsequent activities, i.e., development projects proposed in the Project Area, to be examined in light of the EIR for the Lake Forest Opportunities Study Program to determine whether additional environmental documentation must be prepared. Refer also to Topical Response 2.

- RTC BESA-7 Please see Topical Responses 7 and 9 regarding traffic.
- RTC BESA-8 Refer to Response to comment BESA 1 for a further discussion about where potential students would attend school.
- RTC BESA-9 Please see Topical Responses 7 and 8 regarding schools.
- RTC BESA-10 Please see Topical Responses 7 which addresses the Mello Roos question.
- RTC BESA-11 Please refer to response to comment BESA-9 and Topical Response 1. Prior developments are not part of the proposed project, and therefore, were not evaluated for the Draft EIR.
- RTC BESA-12 The commenter is requesting additional project-specific information. Specific grading volumes that would be required to develop Portola Center are not known at this time as a development plan has not been submitted to the City. Additional CEQA review will be required upon submittal of the development plan for Portola Center. Please see Topical Response 2 for an explanation of program verses project-level environmental review.
- RTC BESA-13 Please see Topical Responses 7 which addresses the Mello Roos question.
- RTC BESA-14 Please see Topical Responses 7 which addresses the Mello Roos question.
- RTC BESA-15 Please see Topical Responses 7 which addresses the Mello Roos question.
- RTC BESA-16 Please see Topical Responses 7 and 9 regarding traffic as well as Section 3.14 of the Draft PEIR.
- RTC BESA-17 Please see Topical Responses 7 and 9 regarding traffic as well as Section 3.14 of the Draft PEIR.
- RTC BESA-18 Prior developments are not part of the proposed project, and therefore, were not evaluated for the Draft EIR. Pleaser refer to Topical Response 1 regarding baseline environmental conditions and Topical Response 10 regarding landslides.
- RTC BESA-19 Please refer to response to comment BESA-6 for a discussion regarding development agreements.

RTC BESA-20 In accordance with Section 15121 of the State CEQA Guidelines (California Code of Regulations, Title 14, Sections 15000 et seq. (CEQA Guidelines)), the purpose of this EIR is to serve as an informational document that:

... will inform public agency decision-makers and the public generally of the significant environmental effect of a project, identify possible ways to minimize the significant effects, and describe reasonable alternatives to the project.

This report will serve as an informational document for review by the public and the City of Lake Forest decision-makers. The review process will culminate with a City Council hearing to consider certification of a Final EIR (FEIR) and a decision on whether or not to approve the Proposed Project or any of its analyzed the alternatives. Please also refer to Topical Discussion 2, *Project-level vs. Program-level EIR*. Program-level environmental review will be completed prior to any decision on the proposed project, including approval of the development agreement which will vest the development rights.

RTC BESA-21 Please refer to response to comment BESA-6 for a further discussion regarding development agreements. Please refer to response to comment BESA-20 for a discussion regarding approval of the proposed project and Topical Response 2 regarding the program-level of analysis.

RTC BESA-22 Please refer to response to comment BESA-6 for a further discussion regarding development agreements.

RTC BESA-23 The impacts identified by the Draft PEIR are summarized in Table ES-2 (Summary of Environmental Effects and Mitigation Measures). The Notice of Completion, filed with the State Clearinghouse on January 30, 2006, included a project description and a summary of environmental issues analyzed. As described in Section 3.7 (Hazards and Hazardous Materials), there are no sites as enumerated under Section 65962.5 of the Government Code that are listed as “hazardous waste” sites within the proposed project.

Please see Topical Response 12 regarding noticing and the public participation process for the project.

Additionally, copies of the Draft EIR were made available to the public during the public review period at the following locations:

City of Lake Forest
Development Services Department
25550 Commercentre Drive
Lake Forest, CA 92630
(949) 461-3400

El Toro Library
24672 Raymond Way
Lake Forest 92630
(949) 855-8173

Aliso Viejo Library
1 Journey
Aliso Viejo, CA 92656
(949) 360-1730

Foothill Ranch Library
27002 Cabriole Way
Foothill Ranch, CA 92610
(939) 855-8072

Rancho Santa Margarita Library
30902 La Promesa
Rancho Santa Margarita, CA 92688
(949) 459-6094

RTC BESA-24 Traffic noise levels were evaluated and discussed in Section 3.10 (Noise), under Impact 3.10-4. In fact, the Draft EIR recognized that with implementation of the proposed project, ambient traffic noise levels would increase; however, mitigation measure 3.10-2, was determined at the program level to reduce any potential traffic noise impacts to less than significant levels. Table 3.10-10 (Proposed Project Traffic Noise Impacts to Existing Conditions) on pages 3.10-17 through 3.10-19, presents the future average daily noise levels associated with these roadways under Year 2030 buildout and compares them to existing conditions.

RTC BESA-25 Please see Topical Response 11 regarding alternatives. Alternatives usually take the form of no project, reduced project size, different project design, different range of uses, or suitable alternative project sites. The range of feasible alternatives is selected and discussed in a manner to foster meaningful public participation and informed decision-making. The factors that may be taken into account when addressing the feasibility of alternatives (as described in CEQA Section 15126.6(f)(1)) are as follows:

- Environmental impacts
- Site suitability
- Economic viability
- Availability of infrastructure
- General plan consistency
- Regulatory limitations
- Jurisdictional boundaries
- Proponent's ability to reasonably acquire, control, or otherwise have access to the alternative site

Please refer to Chapter 4, Alternatives to the Proposed Project, for a discussion of alternative plans to the proposed Plan, including page 4-5 for a discussion of the Reduced Density Alternative, and page 4-6 for a discussion of the No Development/No Project Alternative.

70

BJTI

March 20, 2006

Dear Citrus Lane Homeowner:

Attached are several documents regarding the City of Lake Forest's "proposed" development near Foothill Ranch.

As homeowners, we are concerned about Serrano Creek's erosion problems. After attending the Open House on March 15th (see attached 2/28/06 City Letter – Exhibit 1), we learned that our area (see area map – Exhibit 2) is not included in the "study" and the County is responsible for the creek problems.

A total of seven (7) sites are proposed. Of these seven sites (Sites 2, 3, 5, 6 and 7), drainage and run-off are expected to impact Serrano Creek. The City of Lake Forest is not responsible for nor will they assist in getting the erosion problem under control. They could, however, postpone construction on this development (which could happen as early as 2007) until problems like these on existing City of Lake Forest residents' are rectified. Therefore, we must express our concerns to the City.

I have included a "Comment Card" that must be turned in to the City prior to Monday, March 27, 2006. It is important that, if you wish to be heard, you must turn in this "card".

Thank you for your consideration.

Sincerely,

Bob and Janice Tillmans
25601 Orchard Rim
Lake Forest

Exhibit 1

CITY OF LAKE FOREST



February 28, 2006

Mayor
Richard T. Dixon

Mayor Pro Tem
Mark Tettemer

Council Members
Peter Herzog
Kathryn McCullough
Marcia Rudolph

City Manager
Robert C. Dunek

Dear Resident:

Because you have expressed interest in the Lake Forest Opportunities Study, I want to let you know about an upcoming open house that will focus on the Draft Environmental Impact Report (EIR), which was released as part of Phase III of the Opportunities Study.

The open house will provide a forum for you to learn more details about the Opportunities Study, meet the experts who have worked on the Draft EIR and ask questions about the various topics examined in the environmental study.

Open House
Lake Forest Opportunities Study
4:30 to 7:30 p.m., Wednesday, March 15, 2006
City Council Chambers
25550 Commercentre Drive, Lake Forest

The Lake Forest City Council initiated the Opportunities Study three years ago to examine the possibilities and benefits of re-zoning approximately 700 acres of vacant land on several properties in the city from business and industrial uses to residential and mixed uses. Previously, the land was restricted to business and industrial uses because of flights from the now-defunct El Toro Marine Air Base.

After a thorough planning process with extensive feedback from the residents of Lake Forest, a preferred plan was developed that includes: Up to a 45-acre sports park and community/civic center, developer fee programs to fund new community facilities and road improvements, more than 50 acres of new neighborhood parks, 100 acres of open space, 5,415 new homes offering a variety of housing types similar to those found throughout Lake Forest and up to 650,000 square feet for business park and commercial uses.

The Draft EIR, which is available for public review and comment, is a comprehensive analysis of all environmental impacts of the proposed project. You may view the entire Draft EIR by visiting our Web site at www.ci.lake-forest.ca.us. It's also available at City Hall and the El Toro and Foothill Ranch Libraries.

Sincerely,

Robert C. Dunek
City Manager



Citrus Lane HOA Exhibit 2



Surface Water

The Proposed Project area is drained by Borrego Canyon Wash, Serrano Creek, and Aliso Creek. Borrego Canyon Wash and Serrano Creek are within the San Diego Creek watershed, East Coast Plain Hydrologic Unit of the Santa Ana River Basin (number 801.11).

Aliso Creek is within the Laguna Hydrologic Area, of the San Juan Hydrologic Unit of the San Diego River Basin (number 901.13).

Surface characteristics pertaining to drainage and runoff from each site of the Proposed Project is as follows:

- Site 1 drains primarily to Borrego Canyon Wash and is characterized by a generally barren, rolling landscape with some agriculture and commercial areas. The surrounding land use on the northern, eastern, and southern boundary of this site is primarily industrial or commercial.
- Site 2 drains to both Aliso Creek and Serrano Creek, and primarily consists of open space with hilly topography. A major road bisects this site and flow from the northern portion drains to Serrano Creek. The northern portion also contains some riparian vegetation. The southern portion drains to Aliso Creek. The areas surrounding this site are primarily open space, except for along the northern boundary, which is residential.
- Site 3 drains to Serrano Creek and is formerly agricultural and primarily vacant with a rolling topography. Surrounding land uses include residential areas to the west, south, and east; industrial complexes to the north; and open space to the east and west of the site.
- Site 4 drains to Aliso Creek, and contains gravel washing and associated facilities, parking lots, and a nursery on a rolling topography.
- Site 5 may drain to Aliso Creek or Serrano Creek, but is primarily a small, internal drainage with vegetated open space. Surrounding land uses are residential and open areas.
- Site 6 drains to Serrano Creek and is adjacent to Site 3. Topography is rolling and land use is mostly open area with open areas and residential surrounding.
- Site 7 drains to Serrano Creek. This site is in agriculture (container nursery) and bounded on all sides by major roadways.

■ Response to Comments: BJTI

RTC BJTI-1 Your comment will be included in the Final PEIR and provided to the decision-makers for review and consideration during their deliberations of whether or not to approve the Proposed Project.

Please see Topical Response 5 which addresses existing hydrological conditions and Topical Response 6 which addresses Serrano and Aliso Creeks.

Issues pertaining to erosion and drainage at Serrano Creek and other local areas are addressed in Chapter 3.6 – Geology, Soils, and Mineral Resources and Chapter 3.8 – Hydrology and Water Quality. Specifically, Impact 3.6-5 in the Geology and Soils Chapter discusses the loss of topsoil and erosion caused by the proposed project. This impact would be considered less than significant after compliance with all applicable regulations as listed in the Planning and Regulatory Framework section (3.6.3). Impacts 3.8-1 and 3.8-4 in the Hydrology and Water Quality chapter both discuss the increased runoff and water quality issues caused by the proposed project. The impact to increased runoff would be considered less than significant with implementation of specified mitigation measures (MM 3.8-1) and the impact to water quality would be considered significant and unavoidable.

BOGA

Page 1 of 1

5/1
Ackerman, Gayle

From: Bob G. [gardemal@yahoo.com]
Sent: Monday, March 20, 2006 10:55 AM
To: Opportunities_Info
Subject: Portola Hills Development

Hi Gayle,

Regarding the development plans for the vacant land in Portola Hills, we went through this once before when a developer wanted to change the zoning from light industrial to residential. At that time, we had community meetings with the developer and with county officials. We even had a large Q&A session with the developer and Todd Spitzer on the same dais.

The conclusion reached in all those discussions was that there is not enough school capacity to support residential development of the vacant parcels in Portola Hills. Unless the new plan includes new schools to service the the new residents, changing the zoning to residential is a non-starter. The current residents of Portola Hills are very engaged in their childrens' education and will vigorously fight any attempt to crowd more students into the existing schools.] 1

Thank You,

Bob Gardemal
19731 Torres Way
Portola Hills, Ca 92679

Yahoo! Mail
Use Photomail to share photos without annoying attachments.

■ Response to Comments: BOGA

RTC BOGA-1 Please see Topical Response 8 which addresses school issues. Your comment will be included in the Final PEIR and provided to the decision-makers for review and consideration during their deliberations of whether or not to approve the Proposed Project or one of the alternatives.

BOYD

48
Ackerman, Gayle

From: Bob Ydens Home [bob@4emi.com]
Sent: Thursday, March 16, 2006 7:56 PM
To: Opportunities_Info
Subject: Portola Center

Dear Sirs,

I understand the Baldwin Brothers have requested a change in the density of the proposed Portola Center development. As a Home owner in Portola hills, as well as a former Portola Hill II Home owners association Board member representing over 600 homes in Portola hills, I would like to voice my concern regarding this change. Almost doubling the density from 618 homes to 1132 units will have a severe impact on our community. We already have a great deal of traffic at the intersection of Saddleback Ranch and Glenn Ranch during the morning and evening hours, in addition to the traffic issues that exist at the Portola and Glenn Ranch intersections. This congestion occurs with the existing 2200 homes up in Portola Hills. Adding another 1132 units will significantly compound the existing problems.

Having worked on the Portola II Board of directors, I am very aware of the history associated with the land preparation problems and slope failures created by the Baldwin Brothers in Portola Hills. There has been years of litigation with our home owners association and others stemming from the poor performance of the Baldwin's in our development. Allowing them to "milk" the area by adding significantly more units to increase their bottom line does not seem like a responsible approach.

We already have a school in Portola that is falling apart due to the grading and land preparation problems created by this developer. Please consider that allowing them to expand their interest up in Portola does little positive for the City of Lake Forrest, and has a significant adverse impact on a large population (2200) of home owners which, provide a sizeable impact to the tax base which this city needs.

We ask that you carefully review all of the issues and come to the reasonable conclusion that this increase un proposed units is not a good thing for the people in Portola hills and is not a good thing for the city pf Lake Forest.

Regards,
 Bob Ydens
 President
 EMI Solutions Inc.
 (949) 206-9960
 (949) 206-9983 Fax
www.4emi.com

■ Response to Comments: BOYD

RTC BOYD-1 Please see Topical Response 7 which addresses Portola Hills issues and Topical Response 9 which addresses traffic issues. Please also see Topical Response 10 which addresses landslide issues and Topical Response 8 which addresses school issues.

Your comment will be included in the Final PEIR and provided to the decision-makers for review and consideration during their deliberations of whether or not to approve the Proposed Project.

CABR

RECEIVED

MAR 27 2006

CITY OF LAKE FOREST
DEVELOPMENT SERVICES DEPT



LAKE FOREST OPPORTUNITIES STUDY
DRAFT EIR
COMMENT CARD
(P. 2-100) (REV. 03)

Name: CAROL BROWNING
Address: 25249 Birch Grove
LF
Date: 3/27/06
Comments:

The county has done a lot for concerning Serrano Creek. What will they do with 5 sides feeding into it if this project goes forward?

Does the City have a plan in place to insure homeowners will not be impacted and the environment negatively affected?

My neighbors & I are extremely concerned & need assurance that Serrano Creek will not become even more of an eyesore mess than it is now.

Is the City looking out for existing homeowners? Will developers be

required to be accountable for this problem?

MAIL COMMENTS TO:
CITY OF LAKE FOREST, DEVELOPMENT SERVICES
ATTN: GAYLE ACKERMAN
25550 COMMERCENTRE DRIVE, SUITE 109
LAKE FOREST, CA 92630
OR E-MAIL TO:
Opportunities_info@ci.lake-forest.ca.us

Please return written comments to the City
by March 27, 2006

■ Response to Comments: CABR

RTC CABR-1 Please see Topical Response 5 which addresses existing hydrological conditions and Topical Response 6 which addresses Serrano and Aliso Creeks.

RTC CABR-2 Please see Topical Response 5 which addresses existing hydrological conditions and Topical Response 6 which addresses Serrano and Aliso Creeks.

As discussed in Section 4.8 (Hydrology and Water Quality), Mitigation Measures 4.8-1 through 4.8-4 require the project Applicants (or developers) to adhere to specific guidelines and existing regulations with respect to alterations in drainage patterns and compliance with Best Management Practices, etc. Thus, for all future development that could occur under the Proposed Project, the project Applicants (not existing homeowners) would be required to comply with regulations relating to hydrology and water quality, including those affecting Serrano Creek.

CAGO

RECEIVED

MAR 27 2006

CATHERINE GOGIN
19275 JASPER HILL ROAD
TRABUCO CANYON, CA 92679
949-858-7743

CITY OF LAKE FOREST
DEVELOPMENT SERVICES DEPT

March 26, 2006

The Honorable Mayor Richard T. Dixon
The City of Lake Forest

RE: Portola Hills Proposed Development
1,132 homes planned for Glenn Ranch/Saddleback Ranch

Dear Mayor Dixon,

As residents of Portola Hills we are extremely concerned with the proposed development of the 1,132 homes planned for Glenn Ranch/Saddleback Ranch road area.

The reasons for our objection to this development are as follows:

- This area has already been planned through extensive negotiations with the County of Orange at the time Portola Hills was approved for development in the 1980's.
- The infrastructure in the area can not safely handle the additional proposed traffic that this additional housing development will require.
- Portola Hills Elementry is already at overload capacity. Many of the classrooms are occupying the area that at one time was a playfield for the children. The negative impacts of crowded classrooms will only be amplified by this proposed development.
- As residents of Portola Hills we take pride in our planned community and know that this development will not be complimentary to the existing area and will negatively impact home values and the quality of our lives.

Accordingly please do not approve this proposed development.

Sincerely,


Cathy Gogin

C: Gayle Ackermann

■ Response to Comments: CAGO

RTC CAGO-1 Your comment will be included in the Final PEIR and provided to the decision-makers for review and consideration during their deliberations of whether or not to approve the Proposed Project. Please also see Topical Response 7 which explains the change in allowable density that would result from the project and addresses concerns in the Portola Hills area.

The potential impacts of the proposed project to the City's infrastructure were evaluated and discussed in Section 3.15 (Utilities/Service Systems) and were found to be at less than significant levels.

This comment states that the proposed increase in homes in the Portola Hills would worsen the existing traffic problems in the area. Section 3.14 (Transportation/Traffic) of the EIR analyzed the potential impacts resulting from the proposed project (including the increase in density within Portola Hills). It should be noted that the Proposed Project includes not only the land uses identified for the project sites, but also adoption of the Lake Forest Transportation Mitigation (LFTM) Program which includes a set of traffic improvements that are a part of the Proposed Project. Thus, Section 3.14 used both existing and projected traffic conditions to analyze the potential for impacts. Potential effects include those associated with increased congestion on roadways, intersections, and on the ramps and segments of freeways/tollways. However, the Traffic Study performed for the proposed project ultimately determined that all traffic impacts would be less-than-significant, with adherence to the LFTM, which is part of the proposed project.

This comment states that the proposed project increase in residential development would result in overcrowding of the areas elementary school. Section 3.12 (Public Services) analyzed the potential impacts resulting from the proposed project on the areas schools. Specifically, page 3.12-12 states, "a potential elementary school site is reserved on Site 1 of the Proposed Project. If a school is ultimately not constructed on Site 1, SVUSD may choose to absorb anticipated K-6 students in existing schools with the use of additional permanent and portable classroom. Secondary level school housing will be addressed through addition of classrooms as described in the section on Project Schools and projected declining enrollment."

CAHE

Ackerman, Gayle

From: yag@cakid.com
Sent: Wednesday, March 22, 2006 11:42 AM
To: Opportunities_Info
Subject: Portola Hills Development

Dear Gayle or Whom it May Concern,

I am adamantly against the proposed development of 1132 dwellings in Portola Hills. It is already a nightmare on Portola Pkwy during rush hour. I also believe that adding apartments will devalue my property.] 1

Regards,

Carolyn Herkes

■ Response to Comments: CAHE

RTC CAHE-1 Your comment will be included in the Final PEIR and provided to the decision-makers for review and consideration during their deliberations of whether or not to approve the Proposed Project or one of the alternatives. Please see Topical Response 7 which addresses issues in the Portola Hills area.

CARL

Page 1 of 1

67

Ackerman, Gayle

From: President at Data Innovations [president@data-innovat.com]
Sent: Wednesday, March 22, 2006 8:06 AM
To: Opportunities_Info
Subject: Portola Hills Development

Dear Gayle or Whom it May Concern,

I am adamantly against the proposed development of 1132 dwellings in Portola Hills. It is already a nightmare on Portola Pkwy during rush hour. I also believe that adding apartments will devalue my property. What do we need to do to put a stop to this development?] 1

Thank you,

Carl Herkes
19422 Jasper Hill Road
Portola Hills, CA 92679

■ **Response to Comments: CARL**

RTC CARL-1 Your comment will be included in the Final PEIR and provided to the decision-makers for review and consideration during their deliberations of whether or not to approve the Proposed Project or one of the alternatives. Please see Topical Response 7 which addresses issues in the Portola Hills area.

CASH

Page 1 of 1

Ackerman, Gayle

From: Shih, Carolyn [Carolyn.Shih@tais.toshiba.com]
Sent: Wednesday, March 22, 2006 11:35 AM
To: Opportunities_Info
Subject: Portola Hills Development

To Whom it May Concern,

I am against the proposed development of 1132 dwellings in Portola Hills. What can we do to stop the development?] 1

Regards, Carolyn in Portola Hills

■ Response to Comments: CASH

RTC CASH-1 Your comment will be included in the Final PEIR and provided to the decision-makers for review and consideration during their deliberations of whether or not to approve the Proposed Project or one of the alternatives. Please see Topical Response 7 which addresses issues in the Portola Hills area. Please see <http://www.city-lakeforest.com/opportunitiesstudy/about.php> for on-going information about the proposed project.

CHKN

65

Ackerman, Gayle

From: Cheryl Knox [cknox@visualcue.us]
Sent: Monday, March 20, 2006 8:54 PM
To: Opportunities_Info
Subject: Planned Housing, Portola Hills, 1,132 Units

I'm against the planned housing.

Reasons:

- 1) Traffic on Bake and Portola Avenues during peak times is already maxed out.] 1
- 2) Traffic in front of the Elementary School on Saddleback is also maxed out
- 3) Can the School accommodate the additional kids?
- 4) The rural area behind the Oakley Business facility should be part of the Whiting Wilderness since it is connected by the tunnel under Glenn Ranch Rd. This would preserve wilderness, so desperately needed for wild life and public use.] 2

Basically the current infrastructure of roads can not handle the additional increase of the 1,000 plus residences. I understand the additional tax revenue would be good for the City, but the quality of life would be deeply effected in a negative way.] 3

Thank you for your time

Wes Lukina, concerned home owner

■ Response to Comments: CHKN

RTC CHKN-1 Please see Topical Response 7 which addresses concerns in the Portola Hills area. The Draft EIR analyzed traffic impacts in Section 3.14. As shown in Table 3.14-1 (existing intersection LOS Summary), on pages 3.14-11 to 3.14-13 of the Draft EIR, Study Area intersections on Bake and Portola Avenues all currently operate at acceptable levels of service, except for Bake and Irvine/Trabuco during the A.M. peak hour. Saddleback Avenue was not included in the Study Area for the project, as impacts from project-related traffic were not anticipated to extend to that road way. As shown in Table 3.14-14 (comparison of 2030 General Plan and 2030 Project Scenario Intersection LOS Summary) on pages 3.14-46 to 3.14-48 of the Draft EIR, the Project would result in potentially significant impacts to four intersections along Bake and Portola Avenues: Bake and Irvine/Trabuco (A.M. and P.M. peak hours), Bake and Jeronimo (A.M. peak hour), and Bake Pkwy at Rockfield Boulevard (P.M. peak hour), however, as stated on page 3.14-48, necessary improvements of these intersections have already been programmed and are included as part of the project. Consequently, impacts to specific intersections were determined to be less than significant in Impact 3.14-1.

Potential impacts to schools were examined in Impact 3.12-2, on page 3.12-12 of the Draft EIR, which concluded that project impacts to schools would be less than significant with the implantation of Mitigation Measure MM3.12-3, which required payment of applicable fees to SVUSD. Please see Topical Response 8 which addresses schools.

RTC CHKN-2 Your comment will be included in the Final PEIR and provided to the decision-makers for review and consideration during their deliberations of whether or not to approve the Proposed Project or one of the alternatives. As explained in Topical Response 2, this FEIR is a program-level EIR. Each of the project sites will receive project level review one any development plan. At that time site-specific issues will be addressed.

RTC CHKN-3 Please see Response CHKN-1. As described on page 3.14-49 of the Draft EIR, project-related impacts to study area roadway intersections would be less than significant with implementation of identified, programmed roadway and intersection improvement. Please also see Topical Response 9.

03/28/2006 09:50 9497900020

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PAGE 01/03

CHKR

.....

[REDACTED]

To: Amy Thomas **Fax:** (949) 461-3512

From: Chandra Krout **Date:** 3/28/2006

Re: Comments on Opportunity Study **Pages:** 3
Draft EIR

CC: Gayle Ackerman

Urgent For Review Please Comment Please Reply Please Recycle



Attached my personal comments regarding the Opportunity Study Draft EIR. Please confirm comments will be added to the official record. Again, I am in complete support of this project. Please let me know if there is anything I can do assist in it's approval.

Regards,

Chandra

(949) 355-2119

LAKE FOREST OPPORTUNITIES STUDY EIR

Commissioner Krout's Comments:

Thanks so much for taking the following comments under consideration in responding to the City of Lake Forest's Opportunity Study EIR. As I mentioned earlier to you, this project is vitally important to the planned development and evolution of South Orange County. The current entitlements (pre-closure of El Toro Base) are useless and typical of sprawling industrial park land (i.e. no property value, hence the large vacancy rate). Lake Forest is taking a pro-active step to plan for residential development in a thought out and progressive approach. They are cooperatively planning with the City of Irvine in regards to the adjacent Great Park in terms of creating more options for TOD as well as provide public facilities that the city is solely lacking (i.e. City Hall and sport parks for kids), not to mention much needed housing! I have summarized my comments according to various topics:

Existing Entitlements:

I think the most important thing to stress is that the 736 acres of vacant land has entitlement. The majority of which is locked in with Development Agreements. The existing entitlement allows for 9.8 million square feet of Business Park and industrial uses.

1

Significant Reduction in Currently Entitled Vehicle Trips:

The Business Park land use designation is a huge generator of traffic. 152,790 ADT, 14,170 AM peak, 15,740 PM peak. Residential generates significantly fewer trips. 72,816 ADT, 4,387 AM peak, 6,853 PM peak trips. **THAT'S A REDUCTION IN TRAFFIC OF APPROXIMATELY 52%** Note that also contributes to a corresponding reduction in noise and adverse air quality impacts.

2

Provision of Housing:

The 5,415 units represent an average density of 9 units per acre, which is reflective of the existing community. The larger communities include a small component of mixed use to bring services closer to the residents and reduce trips. Affordable housing will be provided in accordance with their General Plan policy that encourages the provision of 15% affordable housing (per state requirement as outlined in their approved Housing Element).

3

Innovative Traffic Planning:

The best part of the plan is the development of the LFTM traffic mitigation program. With the existing industrial General Plan designation, the traffic mitigation included was developed more than 10 years ago. LFTM was developed in conjunction with this project, and accounts for the development of the Great Park, Northern Sphere, and other approved projects. Unlike the basic CEQA analysis which assumes the full build out of the Master Plan of Arterial Highways, LFTM assumes that two major significant improvements are not actually built. This is the 90 million dollar completion of the "Portola Gap" in Irvine (completely unfunded I might add), and the over crossing of Ridge Route over the 405 freeway. These two improvements were assumed not to be built when the LFTM improvements were generated. LFTM is fully funded by the landowners, NITM and FCPP. Bottom line - More realistic mitigation than before. Funding to insure the improvements are built in a timely manner.

4

Community Sports Parks Provision:

Lake Forest only has 4 lit sports fields and that they are located in a flood control basin. Consequently, this project delivers a 45 acre sports complex, including a community center. There is also an additional 50 acres of parkland. These facilities are paid for by the landowners.

5

EIR Alternative Analysis:

In terms of the EIR, I would go directly to the Alternatives in Chapter 4. Alternative 1 is the Existing General Plan. This is exactly what you get if the project is not approved....the 9.8 million

6

AM

square feet of business park. Funny, but CEQA requires that we analyze the environmental impacts as if the land is vacant. (Ground to Plan scenario) But this will never happen. The land will not remain vacant because there is existing entitlements (and approved tract maps and Site Development Permits!) See page 4-13 for a good summary table.

6

Another important consideration is the Objectives that the City Council laid out for this project- Balanced Community, Fiscal Stability, Recreational Facilities and Public Space. See page 2-18 of the EIR. In essence, the City Council said that this project had to leave the residents of Lake Forest better off than they would be with the existing General Plan. Hence good community planning!

7

Schools:

Schools may be of interest, as Mission Viejo is also in the Saddleback Unified Schools District. By law, the payment of school impact fees is adequate mitigation. That's what it says in the EIR. You and I know that parents with kids in a school with portable classrooms will not consider this adequate mitigation. The landowners are working with the District to create a plan for the construction of new facilities. But, neither Lake Forest nor Mission Viejo makes decisions regarding schools....that's the job of the elected Board of the Saddleback Valley Unified School District.

8

■ Response to Comments: CHKR

- RTC CHKR-1 The commenter is correct in noting that the Opportunities Study Area has existing entitlements, which would allow approximately 9.8 million square feet of business park and industrial uses that could be developed if the Proposed Project is not approved.
- RTC CHKR-2 Section 3.14 of the Draft PEIR details how project trip generation and traffic impacts compare to what would occur under the existing General Plan.
- RTC CHKR-3 This comment provides additional general information regarding the provision of housing under the Proposed Project; it is not a direct comment on the content or adequacy of the Draft EIR, and does not raise any specific environmental issue. The comment is noted and will be forwarded to the decision makers for their consideration when evaluating the proposed project.
- RTC CHKR-4 As the comment states, the LFTM improvements, which are designed to address the existence of unfunded MPAH improvements, would not be made if the Proposed Project is not approved. Without the LFTM improvements, the potential for additional impacts to intersections could result due to the lack of MPAH funding for key improvements assumed in the 2030 General Plan Scenario. These impacts would be avoided with the Proposed Project. This comment is noted and the opinion of the commenter will be forwarded to the decision makers for their consideration when evaluating the proposed project.
- RTC CHKR-5 This comment provides additional general information regarding the provision of a community sports park under the Proposed Project; it is not a direct comment on the content or adequacy of the Draft EIR, and does not raise any specific environmental issue. The comment is noted and will be forwarded to the decision makers for their consideration when evaluating the proposed project.
- RTC CHKR-6 This comment provides the correct explanation of Alternative 1 to the proposed project, as continuation of the Existing General Plan as well as existing entitlements in the project area, wherein approximately 9.8 million square feet of business park and industrial uses could be built. The comment is noted and will be forwarded to the decision makers for their consideration when evaluating the proposed project.
- RTC CHKR-7 This comment reiterates four of the Proposed Project's overall objectives. The comment is noted and the opinion of the commenter will be forwarded to the decision makers for their consideration when evaluating the proposed project.
- RTC CHKR-8 Please see Topical Response 8 regarding schools, which notes, as does the commenter that any decisions regarding schools are within the power of the Saddleback Valley Unified School District, and not the City.

18.

CHST

Page 1 of 1

Ackerman, Gayle

From: Chistina Stone [christinastone@cox.net]
Sent: Saturday, March 04, 2006 7:21 AM
To: Opportunities_Info
Subject: Portola Hills - Site 2

I am a homeowner in Portola Hills. I have reviewed the developmental plan and have concerns about the number of homes planned for our community. This plan calls for 1,132 units -- 466 apartments, 525 homes, and 141 attached homes. I would support a proposal with single family homes only and no apartments and no attached homes. The number of existing apartments and attached homes in our community is sufficient. Adding more density will result in additional parking problems, traffic congestion and overcrowded classrooms. The development of single family detached homes would complement the community, not overdevelop it. Thank you taking the time to consider my comments.

Christina Stone
29066 Canyon Vista Drive
Trabuco Canyon CA 92679
949-888-8969

■ Response to Comments: CHST

RTC CHST-1 Please also see Topical Response 7 which explains the change in allowable density that would result from the project and addresses concerns in the Portola Hills area. Your comment will be included in the Final PEIR and provided to the decision-makers for review and consideration during their deliberations of whether or not to approve the Proposed Project.

CMCA

40

Ackerman, Gayle

From: Carroll Family [monique.carroll@cox.net]
Sent: Wednesday, March 15, 2006 9:29 AM
To: Opportunities_Info
Subject: Proposed units in Portola Hills

Good Morning,
We would like to voice our concern regarding the proposed additional 1,132 units for Portola Hills. We are very much against a development of this size. Additional homes means additional cars and students, which we feel cannot be supported in our community. We feel that the density should be reduced. We would like to be included in the planning stages. We would appreciate very much if you could include our community in any information that is being gathered and planning that is formalized - in particular, traffic studies and grading/slope studies.] 1
Thank you for your time.] 2

Sincerely,
Chris and Monique Carroll
19525 Jasper Hill Road
Trabuco Canyon, CA 92679
949-459-8000
monique.carroll@cox.net

■ Response to Comments: CMCA

RTC CMCA-1 Your comment will be included in the Final PEIR and provided to the decision-makers for review and consideration during their deliberations of whether or not to approve the Proposed Project.

Please see the Draft PEIR and PEIR Technical Appendices which contain the studies done for the proposed project. They are available at: http://www.city-lakeforest.com/opportunitiesstudy/draft_eir.php

Please see Topical Response 8 which addresses school issues, Topical Response 10 which addresses landslide issues, and Topical Response 7 which addresses Portola Hills issues.

RTC CMCA-2 Please see Topical Response 12 which explains the public participation process for the project. A hearing will be held prior to adoption of the Final PEIR and any action on the project. You will be provided with notice. In addition, the City has established a website with information regarding this project to assist in keeping the public informed: <http://www.city-lakeforest.com/opportunitiesstudy/about.php>



CMST

RECEIVED

MAR 27 2006

CITY OF LAKE FOREST
DEVELOPMENT SERVICES DEPT

LAKE FOREST OPPORTUNITIES STUDY
DRAFT EIR
COMMENT CARD
(PLEASE PRINT)

Name: Cathy Stevens & Mark Stevens
Address: 2554 Orchard Rim Lane
Lake Forest, CA 92630
Date: March 21, 2006

Comments: We are very concerned about all these
proposed projects. Our home backs up to
an already eroded Serrano creek.
I would like to see more studies done
on the exact impact these projects will
be on ^{the} already unstable & eroded banks
of serrano creek.

Thank you in advance for your attention
to this matter.

Cathy & Mark Stevens

MAIL COMMENTS TO:
CITY OF LAKE FOREST, DEVELOPMENT SERVICES
ATTN: GAYLE ACKERMAN
25550 COMMERCENTRE DRIVE, SUITE 100
LAKE FOREST, CA 92630

OR E-MAIL TO:
Opportunities Info@ci.lake-forest.ca.us

City of Lake Forest Opportunities Study Program EIR

Please return written comments to the City
by March 27, 2006

■ Response to Comments: CMST

RTC CMST-1 Issues pertaining to erosion and drainage at Serrano Creek and other local areas are addressed in Chapter 3.6 – Geology, Soils, and Mineral Resources and Chapter 3.8 – Hydrology and Water Quality. Specifically, Impact 3.6-5 in the Geology and Soils Chapter discusses the loss of topsoil and erosion caused by the proposed project. This impact would be considered less than significant after compliance with all applicable regulations as listed in the Planning and Regulatory Framework section (3.6.3). Impacts 3.8-1 and 3.8-4 in the Hydrology and Water Quality chapter both discuss the increased runoff and water quality issues caused by the proposed project. The impact to increased runoff would be considered less than significant with implementation of specified mitigation measures and the impact to water quality would be considered significant and unavoidable.

Please see Topical Response 5 which addresses existing hydrological conditions and Topical Response 6 which addresses Serrano and Aliso Creeks.

COCO

Ackerman, Gayle

From: Colleen Costello [cecinlf@pacbell.net]
Sent: Monday, March 27, 2006 5:48 PM
To: Opportunities_info
Subject: Questions on EIR large lake forest development

Dear Ms. Ackerman,
 Below is a copy of my neighbor's excellent letter regarding the Study Program Draft Environmental Impact Report (EIR) State Clearinghouse No. 2004071039. **My question is why the City's did not include Serrano Creek down stream of Section 7, upstream of Trabuco Road in the above Environmental Impact Report?**
 The City's own hydrology consultant, Stanley W. Trimble has noted that Serrano Creek had been stable for decades and was destabilized only after urban development occurred upstream.

"There are probably few clearer instances anywhere of a causal relationship between rapid, extensive urbanization and rapid, severe channel erosion."

**Stanley W. Trimble
 Lake Forest Hydrology Consultant**

Thank you.

Sincerely,

Colleen E. Costello
 25692 Skybird Lane
 Lake Forest, CA

Ms. Gayle Ackerman Development Services Director
 Development Services Department City of Lake Forest
 25550 Commercentre Drive
 Lake Forest, CA 92630

Re: City of Lake Forest Opportunities Study Program Draft Environmental Impact Report, State Clearinghouse No. 2004071039

Dear Ms. Ackerman:

Please accept this letter as commentary regarding the Draft Environmental Impact Report ("DEIR") prepared by the City of Lake Forest ("City") on the Opportunities Study Program (the "Project"). We represent the Citrus Lane Home Owners Association ("CLHOA"), a 99 resident HOA that owns property bordering Serrano Creek down stream of Section 7, upstream of Trabuco Road. At this time, we are experiencing severe erosion problems of our property and potentially endangering our homes. As we understand it, this area was not significantly studied as part of the impacted area of Serrano Creek and is designated as open area in the study. Unfortunately, the baseline analysis, project impact analysis and cumulative impact analysis in the DEIR regarding Serrano Creek is so inadequate as to require re-circulation of the DEIR. The assumption that the Project impacts on Serrano Creek can be mitigated to a level of insignificance is not supported by the evidence. The City must develop and impose a long-term mitigation strategy that will substantially reduce the environmental impacts of the Project and that will address the serious public health and safety risks created by the erosion problems in

Serrano Creek. Recently a local child was trapped in this area behind our homes and unable to climb out on his own. Fortunately, his cries were heard and he was rescued unharmed. At this point in time, the erosion is so severe that Serrano Creek is currently undercutting the land bordering our homes creating areas that are subject to wash out even without any storm conditions.

As you know, Foothill Ranch was developed in the headwaters of Serrano Creek in the late 1980s and early 1990s. Prior to the development of Foothill Ranch, Serrano Creek had been stable for decades if not longer. But massive and destructive erosion has struck in every rainy season since the development of Foothill Ranch and the later development of the regional transportation facility changed the volume, velocity and timing of storm water flows into Serrano Creek.

In the winter of 1991-1992, heavy winter rains caused substantial erosion in the Serrano Creek. It was later estimated that thousands of cubic yards of soil were eroded out of the bed and banks of Serrano Creek and carried down toward Upper Newport Bay. Downstream of Trabuco Road the erosion exposed and broke a sewer line. The Federal Emergency Management Agency (FEMA) provided over \$62,000 to the County of Orange to fund protective measures. The Los Alisos Water District spent about \$85,000 to repair its broken sewer line. In the report accompanying the grant, FEMA noted that Serrano Creek would require major preventive hazard mitigation repairs. Neither the County nor the City undertook such repairs.

The City's own hydrology consultant, Stanley W. Trimble, in his Spring 1992 report, noted that the Serrano Creek profile demonstrated a loss of 204 square feet per year, resulting in a net rate of change of over 48,000 tons per year per mile as a result of that one winter storm season. In Trimble's Spring 1993 report, he noted that Borrego Canyon Wash and Serrano Creek should both be characterized as Urbanized Major Tributaries With Steeper Gradients. He reported that upstream urbanization had the effect of increasing storm flows. With steeper gradients in these stream courses than other streams within Trimble's study area, Borrego and Serrano were subject to very high rates of erosion. Trimble concluded that reaches of Serrano Creek, including where Citrus Lane is located, were eroding rapidly and that this condition should be expected to grow worse as urbanization continues.

In 1993, Serrano Creek sustained additional damage from storm flows. As a result, FEMA provided the City over \$620,000 for construction of channel bank protection measures, including the placement of rip-rap and grading of the channel slopes and bottom. One homeowners' association along Serrano Creek upstream of Trabuco Road spent about \$100,000 responding to the erosion of the 1992 and 1993 winter storms.

Before the City could even perform the repairs funded by FEMA in response to the 1993 storms, the 1995 winter storms damaged Serrano Creek severely downstream of Trabuco Road. Various parties engaged in a series of preventive measures, including the construction of a bench to protect homeowners, the placement of rock to protect a slope and other repairs to preclude damage to a 66-inch water main, Trabuco Road bridge, an access road and private property. The total cost of this repair work was in excess of \$500,000.

In the winter of 1997-1998, Southern California experienced major El Niño storms. Trimble's Fall 1998 report noted severe erosion in Serrano Creek with a 3 to 5 foot degradation of the channel and unstable vertical banks. Trimble's follow-up Spring 2001 report found that the Serrano Creek channel cross-section upstream of Trabuco Road doubled as a result of the El Niño storms, from 780 square feet to 1,765 square feet. Trimble calculated that about one mile of Serrano Creek was similarly affected, resulting in erosion of 5 million cubic feet, or about 115 acre-feet of soil. Trimble went on to note that Serrano Creek had been stable for decades and was destabilized only

after urban development occurred upstream. "There are probably few clearer instances anywhere of a causal relationship between rapid, extensive urbanization and rapid, severe channel erosion." In Trimble's November 2004 report, he noted that earlier storms equal to those of 1997-1998 had failed to destabilize the channel.

Following the conclusion of the 1997-1998 storm season, the County and the Flood Control District obtained the "Serrano Creek Evaluation: Trabuco Road to Foothill Transportation Corridor" from PBS&J. The report found that the 40 foot high vertical banks created by the erosion created a substantial risk of personal injury and posed a significant threat of property damage if erosion continued. The report found that erosion would continue along this stretch of Serrano Creek unless grouted rock were installed to stabilize the slope. The report concluded by recommending the placement of a substantial amount of grouted rock stabilizer in the bed of Serrano Creek. Erosion continues to be a problem. Significant amounts of slumping and sliding off the banks of Serrano Creek occurred in 2005, exposing prior mitigation work to the risk of catastrophic failure. 2

The DEIR fails to discuss adequately the history and causes of erosion in Serrano Creek and the current baseline condition in Serrano Creek. An adequate baseline analysis would at a minimum include the prior discussion of the history of erosion within Serrano Creek.

The lack of an adequate baseline analysis prevents the City from adequately analyzing the impacts of the Project. Under the existing baseline condition, discharges from the properties making up the Project are causing significant environmental impacts. In order for the City to conclude that development of these parcels will have less than a significant impact, the City needs a lot more evidence than is set forth in the DEIR.

In the context of the existing baseline condition, where erosion occurs in every rainy season, the ability of the City to impose parcel-specific performance standards that will lessen storm water impacts of the Project below a level of significance cannot be assumed. The City needs a detailed hydrologic study of the causes of erosion in Serrano Creek. The City needs a detailed, site-specific study of the contribution of each parcel included in the Project to the storm flows which cause erosion in Serrano Creek. Only with that information can the City determine whether it is possible for the landowner of each parcel included in the Project to build large enough detention basins so as to be able to release storm flows to Serrano Creek in a manner which does not worsen an already significant environmental impact. 3

As an association representing homeowners along Serrano Creek, we believe that the Project represents a significant opportunity for the City and the County to settle their differences and develop a real mitigation plan for Serrano Creek. The risk of loss of life and major property damage is too high for our government to continue to ignore this problem.

Sincerely,

■ Response to Comments: COCO

- RTC COCO-1 Please refer to Topical Response 1, 2, 5 and 6 and RTC COOR-11. As identified in the Draft PEIR, there will be no net increase in runoff to the San Diego Creek watershed and individual sites primarily draining into Serrano Creek would have no (e.g., Site 3, -20.8 percent) or small (e.g., Site 7, 8.7 percent) increases in runoff as a result of the proposed project. In order to determine if smaller drainages within the area would receive higher runoff, each creek was split out for analysis in the new Table 3.8-1 and Table 3.8-2 (see Topical Response 6). Because there will be no net increase in runoff from the Proposed Project to Serrano Creek (Table 3.8-2), the Proposed Project would not contribute to degradation of Serrano Creek with mitigation. Sites 7 runoff may increase as a result of the Proposed Project (increase in runoff coefficient of about 8.7 percent). However, mitigation measure MM 3.8-5 would assure that sufficient detention is incorporated into the site-specific design to reduce post-development runoff rates to at least existing rates. . It should be noted that Stanley W. Trimble prepared the hydrology studies included in Appendix M for the County of Orange, not the City of Lake Forest.
- RTC COCO-2 Please refer to Topical Response 1, 2, and 5. The analysis of baseline (existing conditions) and Proposed Project impacts is adequate and consistent with CEQA requirements for a Programmatic EIR. It is beyond the scope of this PEIR to address mitigation methods and strategies for existing conditions.
- RTC COCO-3 Please refer to Topical Response 1, 2, and 5. Comparison of estimated existing runoff coefficients and post-development coefficients provides an adequate programmatic assessment of potential impacts. Prior to implementation of site-specific development plans, detailed analysis of potential hydrologic and hydraulic conditions would be required and mitigation measures MM 3.8-1 and MM 3.8-5 would ensure that post-development runoff does not exceed existing conditions.

CRFE

Ackerman, Gayle

From: Carol and Russ Ferguson [carolruss@cox.net]
Sent: Monday, March 27, 2006 8:19 AM
To: Ackerman, Gayle; Dixon, Richard; Tettemer, Mark; Herzog, Peter; McCullough, Kathryn; Rudolph, Marcia; Opportunities_Info
Cc: carolruss
Subject: Concerns regarding New Development in Portola Hills (Site 2 of Lake Forest Opportunity Study Program DEIR)

Attn: Gayle Ackerman, Director of Development Services
 Richard T. Dixon, Mayor
 Mark Tettemer, Mayor Pro Tem
 Peter Herzog, Council Member
 Kathryn McCullough, Council Member
 Marcia Rudolph, Council Member

We have owned two homes and been residents in Portola Hills for over 16 years. We recently heard about the proposed plans to develop over 1,100 additional new homes in Portola Hills. We knew there would be more development but this figure seems excessive as this would increase the size of our community by 50%! Ten years ago, the proposal was around 600 new homes. This is almost double the original figure. We are particularly concerned about the 466 high density apartments that are included in the proposal. We understand that these are higher density than anything else in Lake Forest. We already have 3 pretty high density condominium complexes in Portola Hills. Traffic during commute hours will make access in and out of Portola Hills (Portola Pkwy at Glenn Ranch and El Toro at Glenn Ranch and Saddleback Ranch Rd at Glenn Ranch) a major concern. ***The DEIR failed to include a study of impact of traffic increases at Saddleback Ranch and Glenn Ranch Road. An analysis of traffic at the Glenn Ranch, El Toro intersection is also missing.***

We currently already have a traffic congestion problem during school drop off and pickup. This problem significantly increased when Painted Trails students were added to our elementary because they all have to drive their children in. The city also eliminated a lot of parking along both sides of Saddleback Ranch Road (in front of the school) and further up Fawn Ridge which made drop off even more challenging for Portola Hills Students. The wait can be over 15 minutes in traffic just trying to get past the school on Saddleback Ranch during the 7:40-8 and 2-2:15 timeframe. The addition of an estimated 500-700 more students (this estimate is probably even low) would severely impact an already bad traffic condition near the school. The safety of the children and crossing guards is already of major concern. The additional classroom portables needed would eliminate the already reduced recess areas for our children. The school already lost at least 30% of the blacktop areas when they added portables necessitated by ground slippage and building damage. This situation has been on going for over two years and would definitely need to be resolved before even considering adding additional students to this school.

Other issues not addressed to the community's satisfaction in the DEIR:

Landslides: Baldwin encountered severe unanticipated geological hazards resulting in major increases in the planned grading volumes of Portola Hills. Despite this, Portola Hills II incurred expensive litigation with Baldwin to repair the unstable grading of the slope behind Jasper Hill Road. Additionally, Portola Hills Elementary is suffering from slope instability. Additionally, there has been the partial failure of El Toro Road, and landslides at St. Michael's Abbey. ***The DEIR's only mitigation is a mention that the site will be studied during project design.***

Wetlands: There are nine ephemeral drainages on the Portola Center site draining to Aliso Creek. The wetlands will be graded under Baldwin's proposal. Mitigations will be studied in the future, and include fees and wetland restoration elsewhere. ***Wetland preservation is very important right now, and the mitigation is a future "promise." The mitigation must be nailed down before the project is allowed to proceed.*** 4

Wildlife: There are eight pairs of endangered California gnatcatchers, 58 species of wildlife, and 109 acres of rare coastal sage scrub—very high quality habitat occurs at the northeastern corner of the site. ***Again, future mitigations are fees, flushing the birds, etc. The habitats will be graded.*** 5

Air Pollution will increase above the existing ambient level. Project impact is significant.
We ask that you include the Portola Hills Community in the planning stages for additional development and that extensive traffic studies be completed prior to the determination of increased units. ***We also request a reduced-density alternative for Portola Center which preserves the natural topography of the site and significantly reduces the density of the homes.*** 6

Please keep us apprised of how we may be involved in this consideration.

Yours truly,

Russ and Carol Ferguson
19262 Sleeping Oak Drive
Trabuco Canyon, CA 92679
(949) 589-0693

■ Response to Comments: CRFE

- RTC CRFE-1 Your comment will be included in the Final PEIR and provided to the decision-makers for review and consideration during their deliberations of whether or not to approve the Proposed Project. Please see Topical Response 7 which explains the change in allowable density that would result from the project and addresses concerns in the Portola Hills area, including traffic and Topical Response 9 which addresses additional traffic issues. The intersections of concern are addressed in these topical responses.
- RTC CRFE-2 Please see Topical Response 7 which explains the change in allowable density that would result from the project and addresses concerns in the Portola Hills area, including schools. Please also see Chapter 7 which describes Alternative 7. As detailed in Topical Response 1, the PEIR addresses the potential impacts of the proposed project. The purpose is not to address existing conditions, except as a baseline against which to judge project impacts.
- RTC CRFE-3 Please see Topical Response 7 which addresses concerns in the Portola Hills area and Topical Response 10 which addresses landslides. See also Topical Response 2 which addresses project-level versus program-level environmental review.
- RTC CRFE-4 The nine ephemeral drainages located on Site 2, were evaluated and discussed under Section 3.4 (Biological Resources), under impact 3.4-3. The Draft EIR recognizes that, “Implementation of the Proposed Project would result in alteration of some of these waters or disruption of the local hydrology. Fill of wetlands would be considered a potentially significant impact.” However, and as listed below, the Draft EIR states, “Mitigation measure MM 3.4-4 shall be implemented as applicable to mitigate for the impacts to wetlands and other aquatic habitats.” The mitigation requires compliance with a standard aimed at ensuring that impacts are reduced to less than significant.

MM 3.4-4 Mitigation for Impacts to Wetlands and Aquatic Habitats.

MM 3.4-4-A Wetland Delineation. Prior to approval of Tentative Tract or Parcel Maps, a qualified wetland specialist shall conduct a wetland delineation in accordance with USACE methodology of all jurisdictional waters, seeps and stream channels within a site. If appropriate, this specialist shall also submit a request for a streambed alteration agreement from CDFG because CDFG also has jurisdiction over lakes and streams under Section 1600 of the Fish and Game Code. The wetland specialist shall prepare and submit a request for a jurisdictional determination to the USACE or CDFG as appropriate. Those waters not subject to the USACE jurisdiction could fall under the regulatory control of the local RWQCB. The wetland specialist shall submit the delineation documents along with the USACE jurisdictional determination to the RWQCB and request an assessment of jurisdiction. If the areas in question are subject to the USACE or RWQCB jurisdiction then the following two measures shall be implemented as required. If the areas in question are not

jurisdictional, then there is no impact to wetlands and no further action is required.

MM 3.4-4-B

Permitting. The wetland specialist shall prepare an application for fill of waters subject to the USACE jurisdiction as determined in MM 3.4-4-A. If appropriate, this specialist shall also submit a request for a streambed alteration agreement from CDFG because CDFG also has jurisdiction over lakes and streams under Section 1600 of the Fish and Game Code. For wetlands that are not subject to the USACE jurisdiction within the Project Area, but RWQCB has indicated that they will assert jurisdiction, an application for a Waste Discharge Requirement or Waiver of Waste Discharge Requirement shall be submitted to the local RWQCB. The regulatory requirements of contained within the Clean Water Act, the Waste Discharge Requirement, and the Streambed Alteration Agreement would mandate minimal intrusion into jurisdictional areas and compensatory mitigation for permanent impacts to these areas.

MM 3.4-4-C

Restoration Plan. Once an approved wetland delineation is in place, the wetland specialist shall develop a comprehensive wetland restoration plan to offset impacts to these resources. Restoration could include on- or off-site construction of wetlands, contribution of funds to a local mitigation bank, or restoration of existing yet relatively poor quality wetlands. The USACE goal is to permit no net loss of functions and values of wetland habitat. The replacement ratio of wetland acreage required to achieve this goal is a minimum of 1 (new):1 (old).

RTC CRFE-5

Please refer to Topical Response 4 for NCCP/HCP, for a complete discussion regarding the potential development of California gnatcatcher and coastal sage scrub habitat.

RTC CRGE-6

Please see Topical Response 11 regarding alternatives and how they have been addressed at the program-level of environmental review. In addition, alternatives will be considered as part of site-specific environmental review of development plans. Please see Topical Response 12 regarding noticing and the public participation process. You have been added to the mailing list. Up-to-date information regarding the proposed project is also available on the City's website at: <http://www.city-lakeforest.com/opportunitiesstudy/about.php>.

DAMI

Darla Miller

19231 Jasper Hill Road, Trabuco Canyon, CA 92679 • (949) 459-6886 • darla.miller@earthlink.net

March 26, 2006

RECEIVED

MAR 27 2006

Richard T. Dixon, Mayor of Lake Forest
Lake Forest City Hall
25550 Commercentre D., Suite 100
Lake Forest, CA 92630

**CITY OF LAKE FOREST
DEVELOPMENT SERVICES DEPT**

Dear Mr. Dixon,

First of all, I want to thank you for all the years of service you have provided since we have voted you into office as Mayor of Lake Forest. I am presently writing because of my concern over the planned housing, Portola Center, in Portola Hills area at Glenn Ranch Road and Saddleback Ranch Road.

We have been reading up on the planned area and have concerns over the density of the proposed housing and traffic congestion with so many units. Our local school, Portola Hills Elementary, is already over capacity with traffic issues during school hours. The roads leading into Portola Hills (El Toro/Glenn Ranch and Portola/Glenn Ranch) are heavy with traffic that it is difficult getting in and out of the area at peak hours. Has the City completed traffic studies of these feeder roads?] 1

There are also present issues with poor slope stabilization in Portola Hill homes where Baldwin has built. More concerning are the Portola Hill Elementary school slopes that are sliding causing building failures. There are scaffolding areas throughout the school buildings to attempt at safety. Has Baldwin remedied this problem yet? What are Baldwin's plans for avoiding future slope slippage? Baldwin never built the promised Concourse Park -- the City of Lake Forest finally stepped in and built the long-awaited park.] 2

Has the City of Lake Forest considered decreasing the number of housing units? Why not consider the original plan of around 500 units with larger sized single-family homes?] 3

We would like to be notified about the public hearings so we can be a part of the decisions that will affect our neighborhood. Thank you for your consideration of our concerns. We look forward to working with you and the City of Lake Forest.

Sincerely,


Darla Miller

cc: Gayle Ackerman

■ Response to Comments: DAMI1

- RTC DAMI1 -1 The Section 3.14 of the Draft PEIR includes the conclusions of a traffic study completed by Austin-Foust Associates specifically for the proposed project, which analyzed potential impacts to the roadway network serving the project area. Please see Topical Response 7 which addresses concerns in the Portola Hills area.
- RTC DAMI1 -2 The commenter notes that poor slope stabilization has created problems in the vicinity of the project area. The Draft EIR examined potential impacts related to land movement and stability in Section 3.6, Geology and Seismicity. The analysis determined that compliance with the California Building Code would prevent potential adverse effects. Please see Topical Response 7 which addresses schools and land movement concerns and Topical Response 8 regarding schools.
- RTC DAMI1 -3 The Draft EIR considered a number of alternatives to the Proposed Project, which are described and evaluated in Chapter 4. Please see Topical Response 11 regarding alternatives.

Portola Hills Housing plans

Page 1 of 1

DAMI2

Ackerman, Gayle

From: Darla Miller [darla.miller@earthlink.net]
Sent: Thursday, March 02, 2006 7:23 PM
To: Opportunities_Info
Subject: Portola Hills Housing plans

Dear Sirs,

I have just received word that there are plans in the works for more houses and attached homes and apartments in Portola Hills, Lake Forest.

I am hoping that you will allow the residents of Portola Hills to be part in the planning stages.

Our second request is to re-evaluate and reduce the number of units being proposed. Our elementary school is already over crowded, as are the junior high and high schools. Our roads are extremely crowded as is. It is a great concern that more houses would cause even more traffic and crowding in our schools.

Thank you for your attention,
Concerned 20 year Resident of Portola Hills,
Darla Miller
19231 Jasper Hill Rd.
Trabuco Canyon, CA 92679
(949) 589-1567

1
2

■ Response to Comments: DAMI(2)

- RTC DAMI2-1 Please see Topical Response 12 which explains the public participation process for this project.
- RTC DAMI2-2 Please see Topical Response 7 which addresses the concerns expressed by Portola Hills Residents, Topical Response 8 which addresses school concerns, and Topical Response 9 which addresses traffic comments. Please also see Section 3.14 (Transportation/Traffic) of the Draft PEIR which analyzed the potential traffic impacts resulting from the proposed project (including the increase in density within Portola Hills).

DASI

33

Ackerman, Gayle

From: David and Dana Silva [ds_442@yahoo.com]
Sent: Friday, March 10, 2006 10:36 AM
To: Opportunities_Info
Subject: Portola Build Out

I would like the Portola Community to be allowed to help with the planning of this build out.

I am concerned about the new students that would be added to Portola Elementary. It was built for 500 students and now has over 700. I think just absorbing them is a not a real answer.

I am also concerned with the housing density. It almost doubles the size of Portola on less land.

Thanks for considering my thoughts,

David Silva
Portola Hills

Yahoo! Mail
Bring photos to life! [New PhotoMail](#) makes sharing a breeze.

■ Response to Comments: DASI(1)

RTC DASI(1) -1 Please see Topical Response 12 which explains the public participation process for the project. A hearing will be held prior to adoption of the Final PEIR and any action on the project. You will be provided with notice. In addition, the City has established a website with information regarding this project to assist in keeping the public informed: <http://www.city-lakeforest.com/opportunitiesstudy/about.php>

Please also see Topical Response 7 which explains the change in allowable density that would result from the project and addresses concerns in the Portola Hills area. Please see Topical Response 8 which addresses school issues. Your comment will be included in the Final PEIR and provided to the decision-makers for review and consideration during their deliberations of whether or not to approve the Proposed Project.

3ll DEIR question

Page 1 of 1

DASI2

Ackerman, Gayle

From: Dan Silver [dsilveria@earthlink.net]
Sent: Monday, March 13, 2006 3:01 PM
To: Opportunities_info
Subject: DEIR question

Where is a map (page number please) showing the vegetation communities that would either be impacted or set aside?] 1

Dan Silver
Executive Director
Endangered Habitats League
8424-A Santa Monica Blvd., #592
Los Angeles, CA 90069-4267

Tel 213-804-2750
Fax 323-654-1931
dsilveria@earthlink.net
www.ehleague.org

■ Response to Comments: DASI2

RTC DASI1-1 Vegetation maps will be included as part of project-level review on each of the development sites. During project-level review the specific impacts of the proposed site-designs will be analyzed and was to avoid or minimize impacts to habitat will be evaluated.

61

DEBR

Ackerman, Gayle

From: 4deb [4deb@cox.net]
Sent: Monday, March 20, 2006 7:25 PM
To: Opportunities_Info
Subject: proposed Portola Development

In regards to the proposed development in Portola Hills I have several concerns. The most obvious is the traffic congestion, which has not been addressed to any realistic extent. The school issue is also a big problem. The wildlife is an issue. There are so many LARGE concerns that I don't truly know where to start.] 1

I believe that in owning a property you should be able to use it in which ever fashion you think best, but....Baldwin has proven in the past to developed and then take no responsibility for short cuts and poor planning. He has declared bankruptsy to avoid his responsibilities leaving hundreds of homeowners with poor quality homes that don't meet "code" , no, at the time the county had not declared this area a high wind area, but Baldwin knew it was (gazebos blew away at the models before construction on the homes began) he used technicalities to produce inferior homes. With all that has happened to Portola Hills in the past, single pained windows in high wind area, roofs that weren't wind rated and had no warranty, Jasper Hill grading problems, major cracking issues in Portola I, the school disaster, the list goes on. I think anything that is proposed by him even a smaller version, should be scrutinized very carefully.] 2

thank you

Debra Brown

■ **Response to Comments: DEBR**

- RTC DEBR-1 Please see Topical Response 7 which addresses concerns in the Portola Hills area, Topical Response 9 which addresses traffic, Topical Response 8 which addresses schools and Topical Response 4 which addresses habitat.
- RTC DEBR-2 Your comment will be included in the Final PEIR and provided to the decision-makers for review and consideration during their deliberations.

20

DEBY

Ackerman, Gayle

From: Debra Byford [curries@pacbell.net]
Sent: Saturday, March 04, 2006 9:28 AM
To: Opportunities_Info
Subject: development plan

We are requesting a public meeting to be scheduled in Portola Hills regarding the proposed development plan. This would drastically effect our community and the residents should be given an opportunity to learn about the plans and voice their opinions.

} 1

Debra Byford

■ Response to Comments: DEBY

RTC DEBY-1 Your comment will be included in the Final PEIR and provided to the decision-makers for review and consideration during their deliberations of whether or not to approve the Proposed Project. Please also see Topical Response 7 which explains the change in allowable density that would result from the project and addresses concerns in the Portola Hills area. Please see Topical Response 12 which explains the public participation process for the project. A hearing will be held prior to adoption of the Final PEIR and any action on the project.

12.

DELO

Ackerman, Gayle

From: Dgloggins@aol.com
Sent: Friday, March 03, 2006 11:10 AM
To: Opportunities_Info
Subject: Development plans for Porola Hills

Dear Ms. Ackerman,

This morning a neighbor brought some plans to my attention that I found both shocking and very disturbing. The plan to add 1.132 homes to the community of Portola Hills is not something that the residents of Portola Hills are neither in favor of nor aware that these plans were even proposed.

Our elementary school is over crowded and in the time since the school has opened, we have seen our athletic fields and playground area shrink to less than half of the original size due to an increase in students. I have children in both Serrano junior High and El Toro High School, both of which are crowded and operating at a high student to teacher ratio. The thought of more students being added to our schools could prove catastrophic for our youth education.] 1

The amount of additional traffic and parking problems that these additional unit, increasing our community size] 2
by 50 percent is very troubling as well.

I feel that it would be beneficial to have a public hearing in Portola Hills in regards to the proposed plans so that the residents can make their opinions known and crystal clear to the city and planning development.] 3

Thanks you for your time and consideration. Please feel free to contact us at any time.

Denis and Denise Loggins
28561 Malabar Rd.
Trabuco Canyon, Ca 92679
589-9385

■ Response to Comments: DELO

- RTC DELO-1 Please see Topical Response 7 which explains the change in density which would result from the proposed project, as compared to what would currently be allowed under the General Plan. Please see Topical Response 8 which addresses school issues. Your comment will be included in the Final PEIR and provided to the decision-makers for review and consideration during their deliberations of whether or not to approve the Proposed Project.
- RTC DELO-2 Please see Topical Responses 7 and 9 which address traffic concerns and explain how traffic impacts will be mitigated.
- RTC DELO-3 Please see Topical Response 12 which explains the public participation process for the project. A hearing will be held prior to adoption of the Final PEIR and any action on the project.

19.

DETH

Page 1 of 1

Ackerman, Gayle

From: Debbie Thiercof [thiercof@cox.net]
Sent: Saturday, March 04, 2006 7:53 AM
To: Opportunities_Info
Subject: Portola Hills development

In response to the recent news of the planned development in Portola Hills, I would like to voice my opposition and request a public hearing. Our schools are already overcrowded, and the traffic is already extremely heavy for roads not meant for this kind of traffic. As a Portola Hills resident of 18 years, I am vehemently opposed to further development of this kind.]

Thank you,
Debra Thiercof
29086 Canyon Rim Dr.

■ Response to Comments: DETH

RTC DETH-1 Your comment will be included in the Final PEIR and provided to the decision-makers for review and consideration during their deliberations of whether or not to approve the Proposed Project. Please also see Topical Response 7 which explains the change in allowable density that would result from the project and addresses concerns in the Portola Hills area. Please see Topical Response 12 which explains the public participation process for the project. A hearing will be held prior to adoption of the Final PEIR and any action on the project.

DHTO

42
Ackerman, Gayle

From: Dan Tompkins [pdaniel@cox.net]
Sent: Wednesday, March 15, 2006 1:31 PM
To: Opportunities_info
Subject: Portola Houses Housing Density

Gayle,
 I am writing this note in response to the planned increase in housing units in Portola Hills. My wife and I moved our young family to this neighborhood for a very few specific reasons, reasons that may be obsolete if the planned increase in homes is allowed to continue.

My wife and I are both from small communities, she grew up on the delta outside Stockton California and I am from Whidbey Island, Washington. Work brought us to Southern California and when trying to find a place for our family, we wanted something that gave us that small town feel that we have grown accustomed to. We choose Portola Hills because the rolling hills, winding roads and spacious open areas gave us that feeling. We live in an area of amazing wildlife and natural beauty. Our house on Millwood Road has views of Catalina and the ocean as well as night views of the Irvine Valley. We are very pleased with the way things are and will be very distressed if and when these change.

I have viewed the proposed layout of the new communities and cringe to think that the natural openness and beauty will be replaced with more homes. The open areas between our house and Glenn Ranch Road will no longer be visited by deer and coyotes but with cars and houses. Not to mention the view of the ocean and passing ships may be obstructed with a house or other structure. I also feel that the 700 students being absorbed by the school district is a stretch and hate to think of portables and overcrowded classrooms.] 1

We had a choice to move here when we did, and if we wanted to move to an area where houses are piled on top of each other we would have moved to Irvine or Ladera Ranch. Please do not make Portola Hills like these other communities.

Sincerely,
 Dan and Holly Tompkins
 28382 Millwood Road, Portola Hills
 (949) 546-0786

■ Response to Comments: DHTO

RTC DHTO-1 Your comment will be included in the Final PEIR and provided to the decision-makers for review and consideration during their deliberations of whether or not to approve the Proposed Project. Please also see Topical Response 7 which explains the change in allowable density that would result from the project as compared to the development which could occur under the existing General Plan, and which addresses concerns in the Portola Hills area.

DLMA

Page 1 of 1

Ackerman, Gayle

From: David Maxey [dmaxey@franklincareers.com]
Sent: Sunday, March 26, 2006 1:54 PM
To: Opportunities_Info
Subject: Draft EIR Concern

Dear Gayle,

As residents of Portola Hills, our only real concern after reviewing the draft EIR is the impact on traffic on Glenn Ranch and, more specifically, the intersection of Glenn Ranch and Saddleback. I could not find anything in the EIR that covers that particular intersection. Currently, during afternoon/evening peak traffic conditions, the left turn lanes onto Saddleback can get pretty backed up.] 1

Why is it that potential impact for this intersection, which is right in the middle of the site 2 proposed build-out, is not included in the draft EIR?

Regards,

Dave and Laura Maxey

■ **Response to Comments: DLMA**

RTC DLMA-1 Please see Topical Response 7 which addresses concerns in the Portola Hills area including traffic and Topical Response 9 regarding traffic.

Dear

Page 1 of 1

DVBL

Ackerman, Gayle

From: Dot Viera-Blake [cdotgo@cox.net]
Sent: Monday, March 27, 2006 3:50 PM
To: Ackerman, Gayle
Subject: Portola Center

Dorothy A. Viera-Blake
28921 Glenn Ranch Way
Trabuco Canyon, Ca. 92679

Dear Ms. Gackerman,

I received an email from one of my neighbors regarding the plan for more homes in my Portola Hills neighborhood. This has me very concerned.

Frankly, I wonder where all the children will be going to school, as our schools are so over crowded now. Just a side note, our elementary school is slipping away, thanks to Baldwin.] 1

Another concern is the amount of traffic that will be put on Saddleback and Glenn Ranch Road. Has there been a study?] 2

My neighbors and I live in a beautiful area with wonderful wildlife, the California gnatcatcher live in the rare coastal sage scrub located on this building site. I understand the habitats will be graded. This makes my stomach turn.] 3

Wetlands also will be graded under Baldwin's proposal. Stop! Think what is at stake here.

Air polluting will increase above the existing ambient level.] 4

Please, please, look again at what is in store for us. This project impact is significant. I'm requesting (begging) for a reduced-density alternative for Portola Hills. Please preserve the natural topography of the site and significantly reduce the density of the homes.

Sincerely,

Dot Viera-Blake

■ Response to Comments: DVBL

- RTC DVBL-1 Your comment will be included in the Final PEIR and provided to the decision-makers for review and consideration during their deliberations of whether or not to approve the Proposed Project. Please also see Topical Response 7 which explains the change in allowable density that would result from the project and addresses concerns in the Portola Hills area including schools and Topical 8 which explains school mitigation.
- This comment asks where the children will be going to school, since local schools are overcrowded. Section 3.12 (Public Services) analyzed the potential impacts resulting from the proposed project on the areas schools. Specifically, page 3.12-12 states, “a potential elementary school site is reserved on Site 1 of the Proposed Project. If a school is ultimately not constructed on Site 1, SVUSD may choose to absorb anticipated K-6 students in existing schools with the use of additional permanent and portable classroom. Secondary level school housing will be addressed through addition of classrooms as described in the section on Project Schools and projected declining enrollment.” Please also see Topical Response 8 regarding school mitigation.
- RTC DVBL-2 Yes there has been a study. Please see Section 3.14 of the Draft PEIR. Please also see Topical Response 7 which addresses concerns in the Portola Hills area including traffic and Topical Response 9 regarding traffic.
- RTC DVBL-3 Your comment will be included in the Final PEIR and provided to the decision-makers for review and consideration during their deliberations of whether or not to approve the Proposed Project. Please also see Topical Response 4 which addresses habitat issues.
- RTC DVBL-4 Correct. Air quality impacts are addressed in Section 3.3 of the Draft PEIR. Please see Topical Response 11 regarding Alternatives, including reduced project alternatives included in Chapter 4.

EDGO

RECEIVED

MAR 27 2006

**EDWARD GOGIN
19275 JASPER HILL ROAD
TRABUCO CANYON, CA 92679
949-858-7743**

**CITY OF LAKE FOREST
DEVELOPMENT SERVICES DEPT**

March 26, 2006

The Honorable Mayor Richard T. Dixon
The City of Lake Forest

RE: Portola Hills Proposed Development
1,132 homes planned for Glenn Ranch/Saddleback Ranch

Dear Mayor Dixon,

As residents of Portola Hills we are extremely concerned with the proposed development of the 1,132 homes planned for Glenn Ranch/Saddleback Ranch road area.

The reasons for our objection to this development are as follows:

- This area has already been planned through extensive negotiations with the County of Orange at the time Portola Hills was approved for development in the 1980's.
- The infrastructure in the area can not safely handle the additional proposed traffic that this additional housing development will require.
- Portola Hills Elementary is already at overload capacity. Many of the classrooms are occupying the area that at one time was a playfield for the children. The negative impacts of crowded classrooms will only be amplified by this proposed development.
- As residents of Portola Hills we take pride in our planned community and know that this development will not be complimentary to the existing area and will negatively impact home values and the quality of our lives.

Accordingly please do not approve this proposed development.

Sincerely,



Edward Gogin

C: Gayle Ackermann

■ Response to Comments: EDGO

RTC EDGO-1 Your comment will be included in the Final PEIR and provided to the decision-makers for review and consideration during their deliberations of whether or not to approve the Proposed Project. Please also see Topical Response 7 which explains the change in allowable density that would result from the project and addresses concerns in the Portola Hills area.

The potential impacts of the proposed project to the City's infrastructure were evaluated and discussed in Section 3.15 (Utilities/Service Systems) and were found to be at less than significant levels.

This comment states that the proposed increase in homes in the Portola Hills would worsen the existing traffic problems in the area. Section 3.14 (Transportation/Traffic) of the EIR analyzed the potential impacts resulting from the proposed project (including the increase in density within Portola Hills). Please see Topical Response 7 regarding Portola Hills and Topical Response 9 regarding traffic issue. It should be noted that the Proposed Project includes not only the land uses identified for the project sites, but also adoption of the Lake Forest Transportation Mitigation (LFTM) Program which includes a set of traffic improvements that are a part of the Proposed Project. Thus, Section 3.14 used both existing and projected traffic conditions to analyze the potential for impacts. Potential effects include those associated with increased congestion on roadways, intersections, and on the ramps and segments of freeways/tollways. However, the Traffic Study performed for the proposed project ultimately determined that all traffic impacts would be less-than-significant, with adherence to the LFTM, which is part of the proposed project.

This comment states that the proposed project increase in residential development would result in overcrowding of the areas elementary school. Section 3.12 (Public Services) analyzed the potential impacts resulting from the proposed project on the areas schools. Specifically, page 3.12-12 states, "a potential elementary school site is reserved on Site 1 of the Proposed Project. If a school is ultimately not constructed on Site1, SVUSD may choose to absorb anticipated K-6 students in existing schools with the use of additional permanent and portable classroom. Secondary level school housing will be addressed through addition of classrooms as described in the section on Project Schools and projected declining enrollment."

Please also see Topical Responses 7 and 8 which address school impacts and mitigation.

ELMI

March 25, 2006

Gayle Ackerman, Director of Development Services
City of Lake Forest
25550 Commercentre Drive, Suite 100
Lake Forest, CA 92630

RECEIVED

MAR 27 2006

**CITY OF LAKE FOREST
DEVELOPMENT SERVICES DEPT**

Re: Site 2 Portola Center

This letter is written to express my opposition to the density proposed on Site 2 (Portola Center) in the Zone Change, General Plan Amendment and Draft EIR. We oppose the plan in its current form and would like to see a more reasonable plan showing all single family homes (low density residential) and a park that includes a little league field and basketball courts.

I support changing the use of the property to residential and park use. However, I would like you to consider the natural topography and character when developing the plan. The proposal in the EIR does not account for the hillside nature of this site.

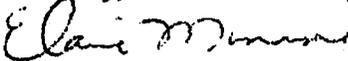
In 1997, the Baldwin's proposed a development with 618 single family dwellings. This development was met with considerable opposition within the Portola Hills community because the density was considered too high. The final approved density should be less than proposed in 1997.

In addition, Portola Elementary has been severely damaged due to original improper grading of the site by the Baldwin Company. We understand they are no longer liable because of the time that has passed but feel they should stand behind their work. Now that they are filing a new application for development that will directly affect Portola Elementary, I believe they should be conditioned to repair the school prior to issuance of any building permits. This is the right thing to do!

Regarding the EIR, we question the methodology and results of all of the studies. We want to know how the proposed development will mitigate our already over crowded schools? How will the projected number of 700 new students in the area be served? How will this proposal mitigate traffic, water quality and air quality issues? Have there been impact studies done on the traffic at Saddleback Ranch and Glenn Ranch? Portola Parkway is already very congested for us to get home from work. What is being done to mitigate increased traffic? What new grading standards will be used to prevent subsidence problems as we are experiencing with Portola Elementary?

I am also very concerned with the lack of public notices about this very important action. Our community was never informed of the EIR or zone change. Only recently, have we become aware of City actions because of some concerned residents.

Sincerely,



Elaine Minami
19251 Jasper Hill Road
Trabuco Canyon, CA

■ Response to Comments: ELMI

RTC ELMI-1 Your comment will be included in the Final PEIR and provided to the decision-makers for review and consideration during their deliberations of whether or not to approve the Proposed Project. Please see Topical Response 7 which explains the change in allowable density that would result from the project and addresses concerns in the Portola Hills area. Please also see Topical Response 2 which explains that this is a program-level environmental document. Additional review will occur once site-specific development plans are submitted. Please also see Topical Response 11 which addresses alternatives. Please also see Topical Response 8 which addresses schools. Please also see Topical Response 1 which explains that the purpose of the PEIR is to determine the potential impacts of the proposed project, rather than to diagnose and cure existing conditions. Please see Sections 3.14-Traffic, 3.8-Hydrology and Water Quality and 3.3- Air Quality which address the potential impacts of the proposed project on these issue areas and the ways to mitigate these impacts. Finally, please see Topical Response 12 which explains the noticing and public participation process for this project.

Regarding needed repairs at Portola Hills Elementary School, the landowner has been working with the Saddleback Valley Unified School District and geotechnical experts to define the problems at the school and to reach an agreement regarding what is necessary to fix the school so that all buildings are able to be used. An agreement was reached in early 2007 where the landowner has agreed to pay an unspecified amount of money to the School District which will then be used to make repairs to the school based on the experts' recommendations. The City is not a party to the agreement between the School District and the Landowner, however, the City can and will require that the agreement is satisfied prior to any development occurring on the Portola Center site.

The Draft EIR includes the conclusions of a traffic study completed by Austin-Foust Associates specifically for the proposed project. The methodology of this study, and the air quality and noise analyses are detailed in the relevant sections of the Draft EIR; each issue area includes a Methodology description.

The commenter notes that they were not notified during the EIR process. The City filed a Notice of Preparation (NOP) with the California Office of Planning and Research indicating that an EIR would be prepared. The NOP was distributed to involved public agencies and interested parties for a public review period, which began on July 7, 2004, and ended on August 16, 2004. The purpose of the public review period was to solicit comments on the scope and content of the environmental analysis to be included in the EIR. The EIR or a notice of availability of the EIR for public review was distributed to agencies that have commented on the NOP, surrounding cities, counties, and interested parties for a 45-day public review period in accordance with Section 15087 of the state CEQA Guidelines, which began on January 31, 2006, and ended March 27, 2006. The City also published a notice in the Saddleback Valley News and posted information on the City's website. Additionally, though not required by CEQA, an Open House was held on March 15, 2006 at City

Hall. Please also see Topical Response 12 which details the City's public involvement process.

Additionally, please refer to Topical Response 2, Project-level vs. Program-level EIR for a discussion regarding opportunities for the public to partake in the planning process. Future project-level CEQA documents prepared for the opportunity sites will be presented to the public for review and comments in accordance with CEQA Guidelines. This comment is acknowledged, and the opinion of the commenter will be provided to the decision-makers for review and consideration during their deliberations of whether or not to approve the Proposed Project.

ELWA

Ackerman, Gayle

From: Elizart7@aol.com
Sent: Thursday, March 02, 2006 11:47 AM
To: Opportunities_info
Subject: link

Dear Ms. Ackerman,

I have accessed this link through the Lake Forest City Council website. I see that I neglected to include the underline.

I will be doing my best to inform the residents of Portola Hills of the plan for Site 2 in the Opportunities Study. Thus far, every resident I have contacted believes the residential plan density is too high for the area. Please consider reducing the density before the zoning is changed.

Sincerely,
Elizabeth Wallace

■ Response to Comments: ELWA

RTC ELWA-1 Please see Topical Response 11 which explains which alternatives are the lower density alternatives. This letter and comment will be included in the final EIR and will be transmitted to the City's decision-makers.

ELWA2

RECEIVED

MAR 27 2006

CITY OF LAKE FOREST
DEVELOPMENT SERVICES DEPT

Elizabeth Wallace
19241 Jasper Hill Rd.
Trabuco Canyon, CA 92679
949-370-0590
March 27, 2006

Gayle Ackerman, AISC
City of Lake Forest
25550 Commercentre Dr., Suite 100
Lake Forest, CA 92630

Dear Ms. Ackerman:

As a resident of the City of Lake Forest and a homeowner in Portola Hills for 18 years, I am writing to communicate my concerns regarding the Proposed Project described in the Opportunity Study. My neighbors and I have significant personal investments in our city and our community. I'd like to bring to your attention specific questions and issues that need to be addressed regarding the planning of the Proposed Project. My neighbors and I welcome you to visit Portola Hills to discuss these issues directly with us.

1. Proposed mitigation measures are generally inappropriate:

The draft EIR proposes for the most part only vague, general, deferred, and open-ended mitigation measures as exemplified below. These measures violate CEQA because they deprive the public of its right to review the effectiveness of the mitigation measures; also, since the mitigation measures may not succeed in reducing impacts to below the level of significance, they cannot be used to support the recommended findings of no significant impact.

1

2. DEIR fails to identify the Project's potentially significant impacts:

A. Geologic Hazard from Landslides: The DEIR must describe and acknowledge the pervasive problems with unstable soil throughout the Aliso Creek area, including the landslides at St. Michael's Abbey, the past collapse of El Toro Road in several places and the litigation regarding the failure of the slope beneath Jasper Hill Road, and slope failure at Portola Hills Elementary. These slope failures occurred despite being approved by the County of Orange and complying with the requirements of the County Grading Manual and Code.

2

Grading history should also reflect that Baldwin encountered severe unanticipated geologic hazards resulting in major increases in the planned grading volumes of Portola Hills. The DIER must acknowledge and analyze the possibility of more of the same, resulting in a significant environmental impact.

Wallace- 1

According to section 3.6.2, page 11, Landslides: "A few parts of the uplands in the Project Area, particularly in Site 2, are in state-designated seismic Hazard Zones for Landslides, in which site-specific investigations of landslide potential are required (CGS 2001). Landslide potential is required to be addressed during project design at each construction site in the areas where landslides are suspected because soil and slope conditions apparent at the scale of the stare (sic) mapping are not sufficiently precise to provide site-specific foundation and structural parameters for development."

3

- When does "project design" referred to in the paragraph above, occur?

CEQA section 15152 (b) states: "... Tiering does not excuse the lead agency from adequately analyzing reasonably foreseeable significant environmental effects of the project and does not justify deferring such analysis to a later tier EIR or negative declaration."

4

- Why has the lead agency neglected to formulate mitigation measures for known Site 2 landslide hazards?

The landowner of Portola Hills did not volunteer to fix the grading problems that have plagued home owners and school officials. Litigation had to be pursued at a high cost to the public. The landslide hazard at Site 2 must be fully studied and mitigated before negotiations of development agreements and rezoning can proceed.

5

Many questions are left unanswered in this draft EIR, including:

- What are the specific grading volumes required to develop Portola Center?
- Will the pollution from construction and dust impact the nearby school children upwind of the development?
- How will the children and residents of Portola Hills be protected from pollution caused by the massive grading operation?
- How long will it take to grade Site 2 for the proposed development?
- Have other plans been considered that would reduce grading volumes?
- How is public safety protected in a project that has known¹⁰ landslide hazards?

6

Section 15162 of CEQA reads: "Subsequent EIR is required if [B] Significant effects previously examined will be substantially more severe than shown in the previous EIR."

7

- Does the Lead Agency intend to prepare a Subsequent EIR for Portola Center?

B. Schools: Numerous portable classrooms have been added to Portola Hills Elementary School, effectively shrinking the playground. An ongoing question of the school site's overall safety exists and won't be known until some time in the future. The Baldwin Company was the original Portola Hills developer and is responsible for the original grading and thus the current land movement. Because the statute of limitations has run out, the Baldwin Company has not done anything to assist our school in resolving this matter.

8

- Will the City require the landowner to fix Portola Hills Elementary School?
- If a neighborhood school is not available, how will traffic to Mission Viejo and Lake Forest be affected?
- Where will the existing children go to school?

Section 3.12-12 states: "SVUSD currently implements a Level I fee of \$2.24 per square foot of new residential construction and \$0.36 per square foot of new commercial/industrial construction."

9

- How many total square feet of residential construction are planned for the Proposed Project?
- How many square feet of residential construction are planned specifically for Site 2?
- Please also provide the total dollar amount that the Proposed Project will generate under SVUSD's Level I fee.
- Will these fees be used toward neighborhood schools that are directly impacted by the Proposed Project?

Section 3.12-12 reads: "Further, the landowners and SVUSD are discussing completing a school mitigation agreement to address school impacts and the construction of new school facilities. The mitigation agreement would be completed prior to approval of the Proposed Project...the project impact is less than significant."

10

- How can project impact be less than significant when mitigation measures are unknown?
- Will this separate mitigation agreement supersede the Level I fee?
- What is the school mitigation agreement?
- How will the overcrowding caused by the Proposed Project in the middle schools and high schools be addressed?

CEQA Section 15126.4 (B) states that "formulation of mitigation measures should not be deferred until some future time."

11

- When will the mitigation agreement with SVUSD be made public?

C. Development Agreements: DEIR Section 2.5.3, page 16 states: "Concurrent with the preparation of this EIR, the city is negotiating Development Agreements with the participating landowners. The Development Agreements have not been executed as of the date that this EIR has been made available for public review."

12

- Almost two months have passed since the EIR was made available for public review; have the Development Agreements been executed as of this letter's date?

12

The DEIR states its purpose in Section 2-22: "To inform the general public....of the scope of... the Development Agreement..."

- What are the details of the development agreement being negotiated for Site 2?
- How can the City of Lake Forest responsibly negotiate the development agreement with the landowners before receiving comments from the public and local agencies and before analyzing all significant environmental effects as required by CEQA?
- Are tract maps also being considered concurrently with the DEIR?

13

D. Topography and View shed: Site 2 contains a beautiful natural topography with two-to-one slopes. The City of Lake Forest has a Hillside Ordinance by City Code for residential development in areas with steep terrain.

- How is the Hillside Ordinance applicable to Site 2?
- How does grading on the scale required for Site 2 comply with City Code?
- How will view sheds from Whiting Ranch and the Whiting Ranch Regional Bike Trail be preserved?
- How will the City of Lake Forest ensure that the natural topography of Site 2 is preserved?

14

E. Wetlands: Section 3.4-41 states: "Site 2 contains at least nine ephemeral drainages that all seem to be tributaries to and (sic) adjacent unnamed creek or to Aliso Creek. Because they are hydrologically-connected, these drainages would likely be considered waters of the U.S. Implementation of the Proposed Project would result in the alteration of some of these waters or disruption of the local hydrology. Fill of wetlands would be considered a potentially significant impact." According to mitigation section MM 3.4-4-B: "The regulatory requirements of (sic) contained within the Clean Water Act, the Waste Discharge Requirement, and the Streambed Alteration Agreement would mandate minimal intrusion into jurisdictional areas and compensatory mitigation for permanent impacts to the areas." Section MM 3.4-4-C states: "Restoration could include on or off-site construction of wetlands, contribution of funds to a local mitigation bank, or restoration of existing yet poor quality wetlands." In addition, new standards require detailing and filtering water before it is discharged off site.

15

- What specific restoration will be required on Site 2?

- Will the development of Portola Center grade the wetlands?
- Has the City studied the topography of Site 2 and provided diligent planning to ensure that the best development possible causing the fewest amount of environmental impacts has been considered?

15

Wetland mitigations must be addressed now. CEQA Section 15126.4 (B) states that "formulation of mitigation measures should not be deferred until some future time."

F. Land Use/Planning: City Policy 4.1 states: "Ensure that all proposed amendments to approved planned community development plans and agreements will not create unacceptable impacts to surrounding existing and planned development, the natural characteristics of the sites, fiscal stability of the City, and the public facilities and services that support development." The plan for Site 2 causes unacceptable impacts to the natural characteristics of the sites because it requires massive grading volumes to achieve the housing densities, commercial space and park space proposed.

16

- How will the City of Lake Forest ensure that Site 2 conforms to Lake Forest City Policy 4.1?
- Doesn't the current plan for Portola Center require grading the hilly natural topography until it is flat and level?

G. Water Quality, Aliso Creek: The project will further impact already substandard water quality by disposing of urban runoff into Aliso Creek. Therefore, its impact in this area is cumulatively significant. The DEIR proposes deferred mitigation measures such as future studies and plans with no guarantee that they can reduce the impact below the level of significance. This violates CEQA.

17

H. Traffic: DEIR Section 2.6 page 18 states: "As required, the technical sections in Chapter 3 of this EIR analyze impacts of the Proposed Project relative to existing, on-ground conditions, which are for the most part undeveloped, vacant land. Table 2-8 illustrates the differences between existing conditions and the Proposed Project." However, the traffic section of Table 2-8 doesn't comply with the requirement to compare existing conditions: "Traffic Existing Conditions: Two study area intersections operate below the adopted level of service performance standards. Traffic Proposed Project: Approximately 52 percent reduction in ADT compared to the General Plan—72,816." This section of Table 2-8 violates CEQA because it does not compare traffic generated by the Proposed Project to traffic generated by existing conditions.

18

- How will the City correct the misleading discrepancy in Table 2-8 to comply with CEQA?

- Are traffic analyses deliberately vague and misleading in an effort to mislead the public? 18

Section 3.14.2 of the DEIR states: "The Study Area and Extended Study Area were defined based on peak hour intersection criteria, and include all major intersections where the Proposed Project would increase traffic by more than one percent." The increase of 5,415 dwelling units will increase traffic by more than one percent in Portola Hills and on nearby streets in Mission Viejo. The Traffic Section of the DEIR does not meet CEQA criteria because it failed to provide information on several impacted intersections. The intersection of Saddleback Ranch Road and Glenn Ranch Road will be severely impacted by the proposed addition of Portola Center, yet the DEIR does not include this intersection in its analysis. Also missing are the intersections of Glenn Ranch Road and El Toro Road, Marguerite Parkway and El Toro Road, and Marguerite Parkway and Santa Margarita Parkway, and the Ridgeline/El Toro intersections. 19

- Will Saddleback Ranch Road need to be widened to accommodate the additional traffic generated from Portola Center?
- Will the City of Lake Forest provide traffic studies as required by CEQA of Glenn Ranch/Saddleback Ranch and Glenn Ranch/El Toro, and other missing intersections before certifying this DEIR?

I. Public Transportation: Section 3.11-9 of the DEIR describes City Policy 1.6: "Encourage the development of new housing units in close proximity to public transportation and community services." Portola Hills has neither public transportation services nor community services except for an elementary school.

- Will public transportation be extended to the area of Portola Hills with the development of Portola Center? 20
- Will future low-income residents of Portola Center have access to public services and work opportunities?
- If not, how does the proposed Portola Center comply with City Policy 1.6?

J. Noise: The consistency analysis in Section 3.10.3 on page 11 states: "The Proposed Project would be subject to all applicable provisions of the City of Lake Forest General Plan and Municipal Code to control noise levels during construction and operation." Section 3.10.3 page 9 states: "The Chapter 11.16 of the Lake Forest Municipal Code addresses generally disturbing noise and regulates noise that could be caused by community development..." Section 11.16.020 of the Lake Forest Municipal Code identifies interior and exterior noise limits as in acceptable ranges that apply to all residential property within the City. These noise limits are shown in Table 3.10-5: Night: 10 p.m. – 7 a.m. exterior noise level of 50 dBA, interior noise level of 45 dBA, 21

and Day: 7 a.m. – 10 p.m. exterior noise level of 55 dBA, interior noise level of 55dBA. The section continues, stating: “The Safety and Noise Element identified community noise exposure standards as acceptable in the range of 45 dBA for interior daytime noise in residential and other noise sensitive uses and up to 65 dBA for exterior daytime noise for sensitive uses, including residential uses and hospitals.”

21

- Why does the Safety and Noise Element conflict with the Lake Forest General Plan and Municipal Code?
- Will the Proposed Project be subject to provisions of the Municipal Code or will it be subject to the Safety and Noise Element?
- Many of the intersections exceed Municipal Code standards; how will the city mitigate this issue?

Section 3.10.4 page 11 reads: “While a programmatic level of analysis is provided in this EIR, the project-level evaluation of construction-related and ambient noise levels associated with each new development that would occur as a result of the implementation of the Proposed Project should be required through mitigation measures in this section of the Program EIR to evaluate whether noise and vibration thresholds would be violated.”

22

- Will the City guarantee mitigation measures if its EIR states it “should” be required?

The intersections of Glenn Ranch/Saddleback Ranch Road, Glenn Ranch/El Toro, and Marguerite Pkwy/Santa Marguerita Pkwy have not been studied for Noise impacts.

23

The section 3.10, page 19 states: “As shown in Table 3.10-10, eight roadway segments are expected to experience a significant increase over existing conditions, with a maximum increase of 11.5 dBA CNEL, which is considered an audible and substantial increase to most people and would exceed the identified thresholds of significance... the three remaining roadway segments, (SR-241/Alton to SR-241/Lake Forest Drive, Alton/SR-241 to Alton South, and Rancho West to Rancho/Bake Parkway) would potentially be located adjacent to sensitive uses and thus could expose these uses to a substantial increase in ambient noise resulting from increased traffic volumes from Year 2030 general plan build-out conditions, including the Proposed Project. At a general plan and zoning level of analysis, this causes a potentially significant impact.... Therefore, given the potential for a significant impact, MM 2.10-2 shall require further CEQA review with the submittal of each area plan or tentative map for the Proposed Project, reducing the potential impact at the program stage to a less-than-significant level.” This is a conclusory remark and is not allowed under CEQA guidelines. CEQA section 15152 (b) states: “... Tiering does not excuse the lead agency from adequately analyzing reasonably foreseeable significant environmental effects of the project and does not justify deferring such analysis to a later tier EIR or negative declaration.”

24

- How will mitigations of the Proposed Project potentially reduce noise to a less-than-significant level?

- Will missing intersections be studied for noise impacts before the DEIR is certified?

24

K. Notice to Nearby Property Owners. CEQA guideline 15087 suggests (3) "Direct mailing to the owners and occupants of the property contiguous to the parcel or parcels on which the project is located..."

- Were project details included in mailings to nearby property owners?
- If so, how many nearby property owners were contacted regarding Portola Center?
- This DEIR represents a change to Portola Hills Planned Community Specific Plan; thus affects every person in the area.

25

The City of Lake Forest has spent three years planning this project and \$1.5 million on Phase III. Many of the residents of Portola Hills were completely unaware of the planned Portola Center until one or two weeks before the end of the public comment period.

- Why weren't Portola Hills residents involved earlier?
- Wouldn't it have been better to allow neighboring property owners to work together with City Planners and landowners on a proactive rather than reactive basis?

L. Air Pollution: Impact 3.3-4 states: "Development under the Proposed Project would result in a cumulatively considerable net increase of criteria pollutants for which the project region is in nonattainment under an applicable federal or state ambient air quality standard where the incremental effect of the project emissions... increase the level of any criteria pollutant above the existing ambient level. Project impact is significant and unavoidable." The DEIR responds to this dilemma by promising to study pollution on a project by project basis. Again, Section 15152 (b) specifically prohibits the lead agency from putting off study of significant known environmental effects until the future.

26

- How will air pollution be mitigated?
- Was the public notified of this significant environmental effect as required by CEQA?

M. Sensitive Species: Site 2 has 243 acres, of which 109 acres contain coastal sage scrub. Eight pairs of California gnatcatchers were observed as well as 58 species of wildlife. The northeastern corner of the site adjacent to Whiting Regional Park contains very high quality coastal sage scrub habitat. Altogether, the site contains approximately nine ephemeral drainages and nine habitat types. According to DEIR section 2.4-36: "This loss of habitat required by sensitive species and the potential removal of the species

27

themselves would be considered a substantial adverse effect and a potentially significant impact of the proposed project.” A mitigation fee of \$50,000 per acre to the Nature Reserve of Orange County will be paid before removing Coastal Sage Scrub. Additionally, no grading of Coastal Sage Scrub habitat occupied by nesting gnatcatchers will occur during the breeding season from February 15 through July 15.

- Because the sites are outside of NCCP/HCP Plan, what enforcement ensures that property owners comply?
- Has the City studied ways to develop site[^] without encroaching on the high quality rare sage scrub habitat? [^]
- Will the sage scrub habitat be graded for Portola Center?
- Will the endangered rare California gnatcatchers be displaced by Portola Center?
- Why were species other than sensitive species counted on Site 2 but not on other sites of the Proposed Project?
- How will the City ensure that no grading of Coastal Sage Scrub habitat occupied by nesting gnatcatchers will occur during breeding season?
- Why isn't the site⁽²⁾ included in the NCCP/HCP Plan if the site is surrounded on three sides by NCCP/HCP land?
- Does the Portola Center plan preserve natural conditions of Open Space to allow a feasible wildlife corridor in this important habitat area?

27

N. Planned Civic/Community Center and Sports Complex: Section 2.5.5 of the DEIR states: “Subject to the final terms of the Development Agreements, acquisition of property and the development of the Community Center, Civic Center, and sports park would be funded by the participating landowners during project implementation and is considered part of the shared benefit... as consideration for entering into Development Agreements. The GPA is conditioned upon a secured right to purchase 45 acres of either Site 7 or one of the alternative public facilities sites analyzed in Chapter 4...”

- Why isn't Nakase included in the Memorandum of Understanding signed by the landowners?
- Is Nakase willing to sell one-third of his viable business property to the City for public use?
- Does the City of Lake Forest intend to appropriate the property for the purpose of securing it for the Civic/Community Center and Sports Complex?
- How will the City mitigate for the significant impact of the loss Agricultural resources caused by the Proposed Project?
- Why is Site 7 the preferred choice for the Sports Park instead of a portion of sites from landowners who have signed the Memorandum of Understanding for the Proposed Project?

28

O. Project Alternatives: “Section 15126.6 (A) of the CEQA Guidelines requires that an EIR describe a range of reasonable alternatives to the project or to the location of the project that could feasibly avoid or lessen any significant environmental impacts while substantially attaining the basic objectives of the project.” The DEIR does not contain a reduced-density alternative for Site 2. The reduced-density alternative should be considered on a site by site basis and as a whole. The DEIR does not satisfy CEQA guidelines because it does not contain a range of reasonable alternatives to Site 2 that would reduce significant impacts.

29

- Why didn't city planners consider a reduced-density alternative for Site 2?

P. Purpose of DEIR: Section 2, page 22 of the DIER specifies its purpose: “To satisfy the requirements of CEQA. Inform the general public, local community and responsible and interested public agencies of the scope of the GPA, Zone Change and Development Agreement, the potential environmental effects, possible measures to mitigate those effects and alternative development scenarios...”

Section 15087 of CEQA guidelines state: “The [public] notice shall include the following: (1) A brief description of the proposed project and its location, (2) The starting and ending dates for the review period... (3) The date, time, and place of any scheduled public meetings... (4) A list of the significant environmental effects anticipated as a result of the project, to the extent which such effects are known to the lead agency at the time of the notice, (5) the address the EIR will be available, (6) The presence of the site on any of the lists of sites enumerated under Section 65962.5 of the Government Code including, but not limited to, lists of hazardous waste facilities, land designated as hazardous waste property, hazardous waste disposal sites and others, and the information in the Hazardous Waste and Substances Statement required under Subdivision (f) of that Section.”

30

- Did the Lead Agency provide public notice including every item detailed by CEQA guideline 15087?
- What is the list of the significant environmental effects anticipated as a result of this project?

I did not see the CEQA-required public notice. Please send me a copy of the public notice that describes the project, listed the significant environmental effects, provides a brief description of the project and its location, and that lists any land designated as hazardous waste property.

DEIR Section 5-13 states “One of the Proposed Project sites is listed on the SWIS database as a hazardous waste site.”

31

- Which site is designated as a hazardous waste site?

Wallace- 10

- What are the mitigations for the hazardous waste site?

31

Q. Compatibility: DEIR Section 3.11-9 cites City Policy 1.4: "Ensure that the design of new residential development is compatible with that of existing residences." The DEIR states the City desired to integrate the north part of the City with the south. Yet, the Proposed Project concentrates higher population densities in the north part of the city than the south. The Proposed Project constitutes eight percent of the City land, yet the Proposed Project will be responsible for a 20 percent increase in population. The densities of the Proposed Project are higher than the densities in the remaining acreage of Lake Forest.

32

- How does the Proposed Project comply with City Policy 1.4?
- How are these densities compatible with that of existing residences?
- Doesn't the Proposed Project concentrate most of the density in the northern part of the city? How is this integrative?

Table 4-29 of the Landowner Concept Plan Density heading states that Site 2's Density is 5-7. Yet Table 2-5 lists the Density of the Proposed Project of Site 2 as 4-25.

- Why are the density numbers of Site 2 dissimilar between Table 2-5 and Table 4-29 of the DEIR?
- Why did the density of Site 2 increase from 5-7 DU/acre to 4-25 DU/acre between the Proposed Project and Landowner Concept when the number of units was unchanged? Which is correct?
- Portola Hills has 2,200 homes on 759 acres. Isn't it true that the density averages 2.9 DU/acre in Portola Hills?
- How is a 2.9 DU/acre density compatible with a 4-25 DU/acre density?

33

R. Runoff: DEIR Section 5, page 17 states: "Additionally, the overall Proposed Project will reduce runoff from the developed sites compared to existing conditions."

- How does removing ephemeral drainages, natural topography and native vegetation of most of the sites, and replacing it with housing, streets and commercial space reduce runoff? Please supply specific details to support this claim.

34

S. Fiscal Impact: The City of Lake Forest *Opportunity Study Phase 2* document dated March 30, 2004, states: "...several of the landowners within the Study Area expressed an

35

interest in submitting applications to the City that would amend the General Plan land use designations within the Study Area from non-residential to residential.” (Page 2, Opportunities Study Conclusions and Recommendations Prepared by Nuquest Ventures, LLC for the City of Lake Forest March 2004).

County records assess the project’s land value at \$51.39 million. The landowners’ net new assessed valuation of the land under General Plan Entitlement is estimated to be \$1.38 billion. The net new valuation of the land is \$2.17 billion under the Proposed Project. (Page 8, Stanley R. Hoffman Vacant Land Opportunity Study Fiscal Impact Analysis City of Lake Forest dated February 26, 2004). City revenues also increase from \$269,820 under the current zoning to \$637,683 under the proposed plan. From these figures, one can extrapolate that the landowners and the City of Lake Forest stand to benefit by rezoning the sites from industrial uses to residential use.

35

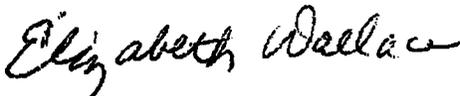
- Why wasn’t a fiscal impact study prepared for a reduced-density alternative to the Proposed Plan?
- Why wasn’t an initial traffic study of a reduced-density alternative to the Proposed Plan?
- How can the DEIR reject the feasibility of a reduced-density plan if specific studies weren’t made to disprove its feasibility?
- Is it possible that the City’s revenues would increase even more in proportion to the decrease in the number of dwelling units?

Lake Forest 65 CNEL Study Area Phase II – Opportunities Study Conclusions and Recommendations March 2004, page 2 reads: “The first phase produced a focused strategy that served as a road map for accomplishing the mutual objectives of both the City and the participating landowners... The landowners primary objective was an expeditious approval of the land use re-designation. The City’s objectives were to ensure a thoughtful build-out of the city, with full mitigation of any resulting impacts, while providing for key public facilities in the City...” The City has not met their objective of providing full mitigation of any resulting impacts.

36

- Why weren’t other more realistic alternatives studied that would potentially reduce significant environmental impacts of the Proposed Project?

Sincerely,



Elizabeth Wallace

cc: Lake Forest City Council Members, Gayle Ackerman

Wallace- 12

■ Response to Comments: ELWA2

RTC ELWA2-1 This comment contains introductory or general information, is not a direct comment on the content or adequacy of the Draft PEIR, and does not raise any specific environmental issue. Pursuant to CEQA, a general response is sufficient when a comment is general in nature [refer to *ALARM v. City of Los Angeles*, 12 CA4th 1773 (1993); *Browning-Ferris Industries v. City Council*, 181 CA3d 852, 226 CR 575 (1986)]. Comments on specific mitigation measures are addressed as they appear in this comment letter.

RTC ELWA2-2 The Commenter explains on page 3.6-11, under Landslides, that parts of the uplands in the Project Area, particularly in Site 2 (Portola Center), are in state-designated Seismic Hazard Zones for Landslides, and that within these Zones site-specific investigations of landslide potential are required. On pages 3.6-15 and -16 of the Draft PEIR, it is explained that within these Zones the City would require site-specific investigations to address the actual, i.e., existing, soils conditions (stability of soil slopes include) at each site where development is proposed; would require the project (i.e., the developer or project sponsor) to provide appropriate treatment of those conditions (slope reconstruction, buttressing, etc.); and would require those treatments be made part of the construction design (project approval conditions, grading permit conditions, building permit conditions, etc.). In the same paragraphs about the Seismic Hazards Mapping Act, the Draft PEIR explains that the Seismic Hazard Zones Map for El Toro Quadrangle, which encompasses the Project Area, shows that the creeks and washes bounding and bisecting the Project Area contain Liquefaction Hazard Zones and that there are scattered Landslide Hazard Zones, mostly in the eastern third of the Project Area.

On page 3.6-18 of the Draft PEIR, under City Municipal Code, the Draft PEIR narrative explains that Chapter 8.30, the Lake Forest Grading and Excavation Code portion of the City's Building and Construction Code, contains specific regulations to safeguard life, limb, property, and the public welfare by regulating grading on private property. The narrative explains that the provisions of the Building Code are legal requirements, i.e., not optional activities subject to discretionary action, and that the investigation and treatment of geologic, soils, and seismic conditions through the use of site-specific suitability analyses conducted to establish design criteria for appropriate foundation type and support, are standard regulations applied to all projects involving grading, excavation, and construction. Because compliance is required, grading, excavation, and/or construction permits would be issued only when a site-specific project design had demonstrated that existing and/or potentially hazardous conditions had been remediated.

On page 3.6-22 of the Draft PEIR, under Impact 3.6-4, the Draft PEIR narrative states specifically, "Parts of the Project Area, including portions of Sites 2, 3, and 4 are underlain by hillside deposits (colluvium) that contain active and dormant landslide features, . . ." making it clear that landsliding is an existing, known condition of these parts of the Project Area, not merely a condition suspected to exist within a broadly designated zone.

From the information presented on the aforementioned pages of the Draft PEIR, it will be apparent to the reader that landsliding is known to be a major concern of the City and is particularly a concern in, and adjacent to, the Project Area.

The narrative on page 3.6-18 of the Draft PEIR continues, stating specifically,

The important information for the City as lead agency is not the specific location and exact extent of unsuitable conditions at each potential construction location, but the knowledge that such conditions have been identified in the Project Area, that standard techniques are available for avoiding or correcting them, and that oversight responsibility for them is vested in the lead agency.

It is recognized that landsliding, whether induced by seismic, meteorological, or human activity, is a real and serious concern of the City and the community. Nonetheless, it is unnecessary for the Draft PEIR to present an extensive history of grading activities and landslide locations in, or near, the Project Area to substantiate the necessity for the required compliance with the City's building and construction regulations or the necessity for appropriate oversight of future grading activities.

The commenter's concern about a repeat of the type of major increase in grading that occurred during the construction of a development adjacent to the Project Area speaks directly to the issue of "tiering" between a Program EIR and a Project EIR. Tiering refers to the coverage of general matters and environmental effects in an EIR prepared for a policy, plan, program, or ordinance, followed by narrower or site-specific environmental documents that (1) incorporate, by reference, the discussion in the earlier EIR and (2) concentrate on the environmental effects that are capable of being mitigated or were not analyzed as significant effects on the environment in the earlier EIR. As explained on page 1-2 of the Draft PEIR, Section 15168(c) of the CEQA Guidelines requires subsequent activities, i.e., development projects proposed in the Project Area, to be examined in light of the EIR for the Lake Forest Opportunities Study Program to determine whether additional environmental documentation must be prepared. If a later activity, such as extensive slope stabilization for a specific construction site or group of sites, would have significant effects that were not examined in the Program EIR, subsequent environmental documentation is required to be prepared. That subsequent environmental documentation would be tiered from the Program EIR. The tiering process allows for large-scale planning approval of the Proposed Project and the legal deferment of the analysis of detailed, site-specific information that is not presently available. That analysis would occur when the City, or other lead agency, prepared future environmental documents dealing with site-specific development proposals within the Project Area, consistent with the Proposed Project.

The Proposed Project, in itself, does not authorize any grading, excavation, or construction; however, it prepares the planning and zoning groundwork for the City to entertain site-specific development proposals that would involve these types of activities. Although slope stabilization activities (grading, buttressing, etc.) are a reasonably foreseeable outcome of the Proposed Project, without a site-specific

project design (which would include site-specific geotechnical investigation and a detailed development proposal), slope-stability analysis of particular locations or contemplating about how they would comply with City regulations would be speculative.

- RTC ELWA2-3 The design phase of a site-specific development project generally occurs after a project concept has been settled upon by the developer and feasibility studies have been completed by the development team. The initial design phase usually is completed prior to application for project approval and often continues into the project-level environmental review phase, during which modifications may be made to address environmental concerns. It is common for a project design to go through several iterations while it is reviewed and modified to meet the requirements of the various permits and approvals needed for the proposed development to proceed.
- RTC ELWA2-4 Refer to RTC ELWA2-2.
- RTC ELWA2-5 Refer to RTC ELWA2-2.
- RTC ELWA2-6 Refer to RTC ELWA 2-2 and 2-3. In addition, the commenter is requesting additional project-specific information. Specific grading volumes that would be required to develop Portola Center are not known at this time as a development plan has not been submitted to the City. Additional CEQA review will be required upon submittal of the development plan for Portola Center, including an analysis of project-specific air quality issues.

The commenter is asking whether pollution from construction and dust will impact nearby school children upwind of the development. As a development plan has not been submitted at this time, a quantitative analysis of emissions of criteria air pollutants resulting from construction of a project site cannot be determined. Upon submittal of a development plan, further CEQA review will be required, including a quantitative analysis of air quality issues resulting from construction of a project site.

The commenter is asking how children and residents of Portola Hills will be protected from pollution caused by grading of a project site. Please refer to pages 3.3-29 and 3.3-30 for a list of mitigation measures that will be implemented to reduce impacts from construction of a project site.

The commenter is asking how long grading operations will be conducted on Site 2. The length of grading operations that would be required to develop Site 2 are not known at this time as a development plan has not been submitted to the City. Additional CEQA review will be required upon submittal of the development plan for Site 2, including an analysis of project-specific air quality issues.

The commenter is asking whether alternative plans have been considered to reduce grading volumes. Specific development proposals have not been submitted at this time and grading volumes for project sites are not known. Therefore, it is difficult if not impossible to determine alternative plans that would reduce grading volumes. Please also refer to Chapter 4, Alternatives to the Proposed Project, for a discussion of

alternative plans to the proposed Plan, including page 4-5 for a discussion of the Reduced Density Alternative, and page 4-6 for a discussion of the No Development/No Project Alternative. Please also see Chapter 7 which includes a discussion on Alternative 7, a reduced density alternative included in the Recirculated Draft PEIR.

RTC ELWA2-7 Project-level environmental review will be conducted for each of the Opportunities Study sites. This could include preparation of Subsequent EIRs, Negative Declarations, or Mitigated Negative Declarations as appropriate for specific projects pursuant to CEQA and the CEQA Guidelines requirements.

RTC ELWA2-8 The described conditions at Portola Hills Elementary school are existing conditions and are neither caused nor exacerbated by the proposed project. (See Topical Response 1). For this reason, existing problems at Portola Hills Elementary school are not impacts of the project, and mitigation of these existing conditions is not required of project landowners in the Draft PEIR as part of the Opportunities Study. However, please see Topical Response 7 which explains the school mitigation agreement for Portola Center.

As discussed on page 2-18 of the Draft PEIR under Schools, one potential school site has been proposed on Site 1. Construction of a school on Site 1 is included in the traffic scenario analyzed in the Draft PEIR.

However, construction of schools and the ultimate approval of a school site are within the SVUSD's jurisdiction, not the City's. The landowners are working with the School District, in an effort to ensure that school mitigation fees from the project are expended locally. See also RTC IAMO-8.

Please see Topical Response 8 and Section 7.2.2 of Chapter 7, the recirculated portion of the Draft PEIR.

RTC ELWA2-9 Project specific detail is not currently available regarding the total square feet of residential construction that will be constructed on Opportunities Study sites or on Site 2. See Topical Response 2. Figure 3.1-20 provides the concept plan for Site 2, which is the level of detail currently available.

The way school impact fees are allocated and their use is under the control of the School District. Please see the SVUSD's Davis Demographics and Planning (DDP) Report for geographic projections of school demand. See also responses to comments ELWA2-8 and ELQA2-10. Please also see Topical Response 7 which explains the school mitigation agreement for Portola Center.

RTC ELWA2-10 As specified in Government Code Section 65995(h):

(h) The payment or satisfaction of a fee, charge, or other requirement levied or imposed pursuant to Section 17620 of the Education Code in the amount specified in Section 65995 and, if applicable, any amounts

specified in Section 65995.5 or 65995.7 are hereby deemed to be full and complete mitigation of the impacts of any legislative or adjudicative act, or both, involving, but not limited to, the planning, use, or development of real property, or any change in governmental organization or reorganization as defined in Section 56021 or 56073, on the provision of adequate school facilities.

Both the Draft PEIR (Mitigation Measure 3.12-3) and State law required the payment of these statutory fees to mitigate school impacts. This is the minimum required for schools as part of the project, and as specified in State law, constitutes full mitigation.

Should the landowners and SVUSD complete a school mitigation agreement, it would provide for expenditure of the State-imposed school mitigation fee, locally. Any payment of fees in excess of the State mandated amount included in the agreement would constitute an additional public benefit of the project. Please also see Topical Response 7 which explains the school mitigation agreement for Portola Center.

RTC ELWA2-11 There is no deferral of mitigation. Landowners will be required, at a minimum to pay the State-mandated school mitigation fee, which by statute constitutes full mitigation for school impacts. Compliance with the State standard for mitigation of school impacts is required in the Draft PEIR. Please also see Topical Response 7 which explains the school mitigation agreement for Portola Center and Topical Response 8 regarding schools.

RTC ELWA2-12 State law requires completion of the environmental review process (in this case certification of the PEIR) prior to project approval. Execution of Development Agreements would therefore properly follow project approval, since the Development Agreements are an implementation mechanism. Draft Development Agreements will be presented to City Council for consideration as part of any project approval.

RTC ELWA2-13 See response to Comment ELWA2-12. Draft Development Agreements are being negotiated concurrent with the environmental process. Some negotiation of the Development Agreements was required prior to issuance of the Draft PEIR, as part of the process of defining the project to be analyzed in the Draft PEIR. The Development Agreements will not be approved or executed until after the Final PEIR is certified by the City Council. Therefore, they will not be approved until after the Final PEIR is deemed complete for purposes of decision-making and the public has had the opportunity to comment on the PEIR and the project.

Tract maps will not be submitted for review until after the City Council has approved the program-level Opportunities Study project. Tentative tract maps will then be subject to project-level environmental review, prior to approval. (See Topical Response 2).

RTC ELWA2-14 This comment raises detail-specific questions that will be properly addressed in a project environmental document for Site 2. See, therefore, the response to Topical Response 2.

The City does not have a Hillside Ordinance.

Site 2 is within the Portola Hills Planned Community. The project includes amending the Portola Hills Planned Community text. As specified in the City's zoning ordinance for Planned Community Districts, the requirements of the Uniform Building Code, various mechanical, electrical, and plumbing codes, the Grading and Excavation Code and the Subdivision Code and Sign Code apply to Planned Communities. As part of project-level review of any development proposed for Site two, site plans will be reviewed to ensure consistency with these code requirements as well as requirements included in the Planned Communities Text for Portola Hills and Portola Center.

Viewshed impacts of the project resulting from development of Site 2 are analyzed on pages 3.1-50 to 3.1-53 of the Draft PEIR. As described on page 3.1-2 of the Draft PEIR, the "westernmost portion of the site, almost completely surrounded by the Whiting Ranch Wilderness Park, is not proposed for development and will be maintained as permanent open space." This is shown on Figure 2-4 in the Draft PEIR. This will help to preserve viewsheds from Whiting Ranch and Whiting Ranch Regional Bike Trail. Development will not block views from Whiting Ranch and trails significantly due to preservation of open space at the eastern and western edges of the site, as shown on Figure 2-4.

Under existing conditions (i.e. the City's General Plan as shown in Figure 2-3) part of this area is currently designated for business park development. The proposed project will therefore result in the rezoning of land adjacent to the regional park from Business Park to Open Space. Currently 44 acres of Open Space is designated on Site 2. This would increase to 82 acres of Open Space and 10 acres of Community Park/Open Space under the proposed project. This is a benefit of the proposed project.

Topographic and viewshed issues are thus addressed through the Planned Community Text process, program-level review and project-level review.

RTC ELWA2-15 As discussed in detail within Topical Response 2 the analysis for potential impacts of the project is "programmatic" and a project-level impact analysis and mitigation will be required when specific projects (i.e., a tentative tract map, planned communities text) are proposed for any of the sites identified and analyzed programmatically in this Draft PEIR. Therefore, project-specific mitigation will result from the impacts that are identified during required site-specific surveys and permitting that are identified within mitigation measure MM 3.4-4 of the Draft PEIR. Specifically, mitigation measure MM 3.4-4-C discusses the restoration plan, it states:

Once an approved wetland delineation is in place, the wetland specialist shall develop a comprehensive wetland restoration plan to offset impacts to these resources. Restoration could include on- or off-site construction of wetlands, contribution of funds to a local mitigation bank, or restoration of existing yet relatively poor quality wetlands. The USACE goal is to permit no net loss of functions and values of wetland habitat.

The replacement ratio of wetland acreage required to achieve this goal is a minimum of 1(new):1(old).

Therefore, any potential restoration plan that is associated with any site-specific impacts such as those to wetlands within the Portola Center site would be provided in detail within project-level environmental documents. However, as required by mitigation measure MM 3.4-4-C, restoration would be consistent with agency standards (i.e., US Army Corps of Engineers, California Department of Fish and Game, and Regional Water Quality Control Board) via the agency oversight of the final permit approval process and development of the final mitigation measures in collaboration with the specific agencies that are compelled by their mandate to protect them.

RTC ELWA2-16 See response to comment ELWA2-15. Compliance with Lake Forest Land Use Policy 4.1 will be achieved through the Planned Communities Text and development review. Less hillside modification is likely to result from grading for residential development, than for grading for development consistent with existing Business Park and Commercial designations within Site 2.

RTC ELWA2-17 Please see Topical Responses 2 and 3. Additionally, when each site is developed, a WQMP would be required that includes BMPs to prevent additional pollutant degradation of the area watercourses. A site-specific level of analysis would be required and mitigation measures MM 3.8-1 and MM 3.8-5 would assure that water quality impacts would be less than significant. Moreover, compliance with existing regulations (TMDLs) would further serve to prevent Proposed Project contributions to water quality degradation.

RTC ELWA2-18 That is not correct; the Traffic Study does have a ground to project analysis. In addition to the discussion the text of the Draft PEIR which separates out the impact of the project from the impact of General Plan development, compared to existing conditions to identify the impact of the project compared to existing conditions, the Traffic Report for the project includes an analysis of the project compared to existing conditions, beginning on page 5-12.

Moreover, the Lake Forest Transportation Mitigation (LFTM) improvement program is a full improvement program, starting from existing roadway conditions (i.e. only currently committed improvements are assumed).

RTC ELWA2-19 The Draft PEIR included analysis of intersections in the City's Circulation Element where project traffic would increase volumes by more than one percent compared to General Plan levels. All jurisdictions use the same set of General Plan assumptions in their long range analysis. Whenever a General Plan amendment is analyzed, the question is, how will its impacts differ from what has already been analyzed as part of the General Plan. The sizing of roadways and intersection configurations within the City and adjacent cities have all been developed to address buildout under the General Plan, thus only the net impact of the project would need to be mitigated. (For example, the FCPP is an example of a long range improvement program designed to address buildout conditions.) In regards to Portola Hills intersections:

Traffic on Glenn Ranch Road – Portola Center will have all its traffic loading onto Glenn Ranch Road. The traffic report provides a comparison of the trip generation for Portola Center under the current General Plan versus the proposed General Plan Amendment. The comparison is as follows:

TRIP GENERATION SUMMARY – PORTOLA CENTER							
Land Use	AM Peak Hour			PM Peak Hour			ADT
	In	Out	Total	In	Out	Total	
General Plan	3,123	710	3,833	1,430	3,141	4,571	47,588
Proposed Project	316	648	964	999	792	1,791	19,226
Difference	-2,807	-62	-2,869	-431	-2,349	-2,780	-28,362

As can be seen, the amount of traffic accessing Glenn Ranch Road will be substantially lower under the proposed project compared to the General Plan land uses for this project area (only 25 percent of General Plan trips in the AM peak hour and 39 percent during the PM peak hour).

Saddleback Ranch Road/Glenn Ranch Road Intersection – This intersection is surrounded on all four corners by the proposed Portola Center development and a concern has been raised with respect to the future capacity needs at the intersection. Those capacity needs will be examined as part of the Portola Center project submittal. The intersection will be reconstructed as a four-way intersection with sufficient lanes to accommodate the existing and future traffic. As noted above, the trip generation for the proposed project is order-of-magnitude lower than the trip generation under the General Plan land uses, and the intersection will be designed and constructed to have adequate capacity.

El Toro Road/Glenn Ranch Road – This intersection in the City of Mission Viejo was not included in the traffic study. The approach to intersections outside the City of Lake Forest was to examine the differences in traffic volumes for the General Plan versus the proposed project. Only those locations where there was an increase in traffic were included in the traffic study. For example, two intersections in the City of Mission Viejo along Los Alisos Road (Muirlands Boulevard and Jeronimo Road) were included since the proposed project increases traffic. Others to the north on Los Alisos Road were not included because the proposed project causes a decrease in traffic compared to the General Plan. Similarly, intersections in Irvine and Laguna Hills were included in the traffic analysis where the comparison between General Plan and proposed project showed an increase in traffic.

Examination of recent traffic counts at El Toro Road and Glenn Ranch Road shows the intersection to be operating at LOS “A.” The proposed project versus the current General Plan project would not adversely affect this intersection, and with the existing LOS there appears to be adequate capacity for future traffic, particularly with the substantially lower trip generation of the proposed project.

Glenn Ranch Road/Portola Parkway intersection – The traffic analysis shows this intersection currently operating at level of service (LOS) “A” in the AM and PM peak hours, respectively. Field observations indicate that the actual LOS does not achieve this theoretical LOS which is calculated using intersection capacity utilization (ICU) values.

There are several reasons why an operational LOS can exceed (i.e., be worse than) the calculated LOS, and two examples appear to prevail here. On this section of Portola Parkway, eastbound traffic has two heavy left turn movements at two consecutive intersections (Glenn Ranch Road and SR-241). As a consequence, traffic does not fully utilize all the eastbound lanes. Instead there is a concentration of traffic in the left lane in readiness for making a left turn either at Glenn Ranch Road or SR-241. Traffic in that lane hence backs up a considerable distance from the intersection during the PM peak period, giving the appearance that the intersection, and indeed this section of Portola Parkway, is congested. In the AM peak period, the southbound free right turn from Glenn Ranch Road onto westbound Portola Parkway has an operational problem. This is due to a short merge length on Portola Parkway, resulting in traffic backup for that right turn movement.

There are a number of operational solutions to these problems such as extending the existing left turn pocket and/or improving the right turn movement. The city is currently studying the intersection to see if operational changes can be implemented to improve existing conditions. Potential improvements would address existing conditions which are inhibiting the functioning of this intersection and would not change the conclusions contained in the traffic study regarding with-project levels of services compared to existing levels.

Because no impacts are anticipated to result at these intersections, there is no need to add them to the traffic study before certifying the PEIR.

RTC ELWA2-20 Future residents of Portola Center will have access to public services and work opportunities.

General Plan Housing Element Policy 1.6 encourages the development of new housing in proximity to public transit, but does not preclude development of housing in areas not served by public transit. Public transit services in the Lake Forest area are provided by the Orange County Transit Authority (OCTA), not the City. OCTA is responsible for routing decisions.

RTC ELWA2-21 The commenter is restating information from the discussion of regulations for Noise from pages 3.10-9 through 3.10-11. The commenter is asking why the Safety and Noise Element conflicts with the Lake Forest General Plan and Municipal Code. The Safety and Noise Element of the City of Lake Forest General Plan is intended to identify sources of noise and provide objectives and policies that ensure that noise from various sources does not create an unacceptable noise environment. It is a tool that City planners use to achieve and maintain compatible land uses with environmental noise levels. Chapter 11.16 of the Lake Forest Municipal Code addresses generally disturbing noise and regulates noise that could be caused by

community development. As a result, differences can appear in standards. Standards set in the Lake Forest Municipal Code are intended to maintain a quiet noise environment in residential communities, while the Lake Forest General Plan is a planning document that is used to determine whether specific uses are compatible with a specific noise environment.

The commenter is asking whether the Proposed Project will be subject to provisions of the Municipal Code or will it be subject to the Safety and Noise Element. The Proposed Project will be subject to the Safety and Noise Element during the planning phase for specific development projects to determine compatibility with the noise environment. Upon submittal of a development proposal and a specific development project undergoes additional CEQA review, a determination will be made whether the project is consistent with applicable goals and policies in the Safety and Noise Element, in addition to determining whether the project is within the limits of the Municipal Code. Projects will be required to analyze compliance with the most stringent applicable standards, whether from the Lake Forest General Plan or the Municipal Code.

The other difference between the General Plan Standards and the Municipal Code Standards is the type of noise measurement used. The LFMC uses an a-weighted decibel standard which measures single event noise. The standards in Table SN-2 of the General Plan use CNEL and Leq(12) which are noise levels averaged over longer periods of time (24 hours and 12 hours, respectively). This does not necessarily indicate a conflict between the two standards but because of the averaging the General Plan standards would appear lower.

The commenter is noting that many intersections exceed Municipal Code standards and asks how the City will mitigate this issue. Many of these intersections currently exceed standards and are considered to be part of the existing noise environment. The Draft PEIR is concerned with analyzing the impacts caused by the Proposed Project. Sections 4-6-5(c) and 4-6-6(c) within Section 11.16.020 of the Municipal Code deals with ambient noise which is higher than the adopted noise standard; thus, these sections apply to many areas throughout the city where residences are located along arterial roadways. In areas where ambient noise exceeds the standard, this section allows the standard to be increased to reflect the ambient noise level. This is another case where existing conditions do not need to be mitigated by the project, and in this instance, the City's code supports this approach.

Please refer to page 3.10-12 for a discussion of thresholds of significance. Also, please refer to Impact 3.10-4 on page 3.10-16 for a discussion of noise impacts on roadway segments caused by the proposed project. As individual development projects have not been submitted and the impacts of individual projects cannot be determined at this time, MM 3.10-2 requires a tiered site-specific analysis under CEQA to determine whether the individual project will expose sensitive receptors to either a substantial increase in ambient noise resulting from increased traffic volumes generated by that project.

RTC ELWA2-22 The commenter is asking whether the City will guarantee mitigation measures if the Draft PEIR states it should be required, as stated on page 3.10-11 of the Draft PEIR. The comment is noted, and following text change will be incorporated:

Draft PEIR Text Change:

While a programmatic level of analysis is provided in this EIR, the project-level evaluation of construction-related and ambient noise levels associated with each new development that would occur as a result of the implementation of the Proposed Project ~~should~~would be required through mitigation measures in this section of the Program EIR to evaluate whether noise and vibration thresholds would be violated.

RTC ELWA2-23 The commenter is noting that the intersections of Glenn Ranch/Saddleback Ranch Road, Glenn Ranch/El Toro, and Marguerite Parkway/Santa Marguerita Parkway have not been studied in the noise analysis. It should be noted that roadway noise analysis does not analyze noise from intersections but instead analyzes noise from roadway segments. This is due to the higher noise levels generated by vehicles moving along roadway segments than at intersections, as vehicles generate more noise when traveling at higher speeds. Therefore, noise along Glenn Ranch between Portola and El Toro Road has been analyzed. The traffic study did not provide traffic volumes for El Toro Road north of SR-241 or for Marguerite Parkway because these roadway segments would not be significantly impacted by the project and receive less than a 1 percent increase in traffic as a result of the project. Noise impacts would therefore not be significant. In addition, since the proposed project would reduce trips in the Portola Hills area, compared to traffic levels anticipated under the General Plan (see ELWA2-19 and Topical Response 7) traffic-generated noise impacts are likely to be less, under the proposed project, than under the General Plan.

RTC ELWA2-24 The Draft PEIR states on page 3.10-9 of the discussion of Impact 3.10-4 that the project contributes to a significant cumulative noise impact and mandates Mitigation Measure 3.10-2 in order to identify project-level mitigation measures to reduce these impacts to less than significant. Since the Draft PEIR acknowledges (at page 5-21) that at the Program-level the project contributes to a significant cumulative impact, the Draft PEIR identified post-mitigation noise as a significant unmitigated cumulative impact.

Draft PDEIR Text Changes:

For purposes of clarification the post-mitigation level of Impact 3.10-4 in Table 3.10-11 is revised to read:

Significant Unmitigated Cumulative Impact

This same change is made to the Summary Table and to the Significance Level for Impact 3.10-4 on page 3.10-16 of the Draft PEIR.

This correction is made to avoid confusion regarding the program-level post-mitigation level of project impact and so that the discussion is consistent with the findings in Chapter 5 regarding the project's cumulative impact and with the narrative

on page 3.10-9. This correction does not result in the identification of a new impact; it just clarifies the existing findings as described on page 3.10-4 and in Chapter 5.

There is no need to study the intersections identified by the commenter, since as explained in RTC ELWA-23, no impacts would result at these locations.

RTC ELWA2-25 The City did not notify the residents of Portola Hills, or any other property owners adjacent to the project sites via direct mailing. However, the City did exceed the statutory requirements of CEQA when providing public notice of the Public Scoping Meeting and Draft PEIR. The Opportunities Study has been well publicized by the City with a dedicated website, extensive mailing list, coverage in the Citywide newsletters as well as the Orange County Register and Saddleback Valley News. CEQA Guidelines Section 15087 deals only with notice of availability of the Draft PEIR. Direct mailing is only one of the options available to Lead Agencies when providing notice to the public. This section allows cities to choose one of three methods for the required public notice. The City published a notice in the Saddleback Valley News, as allowed under Section 15084(a)(1). In addition, information was posted on a dedicated website, mailed and e-mailed to the Opportunities Study interest list, and directly mailed to those who requested copies during the review of the Notice of Preparation.

Many Portola Hills residents have been involved in the planning effort which began in 2002. Residents were involved on the Public Education and Outreach Program which took place in the summer of 2005. Some residents have attended and spoken at the over 20 public meetings on the Opportunities Study; and all residents have received the City's quarterly newsletter, "The Leaflet", which has featured numerous stories on the Opportunities Study. Please also see Topical Response 12.

The Opportunities Study was initiated to ensure the well-planned completion of development within the City. The project has comprised nearly four years of methodical planning with more than twenty public meetings, workshops and hearings, and public outreach including:

- August 6, 2002- City Council authorizes start of Opportunities Study
- September 17, 2002 – City Council authorizes release of RFP for consultants
- November 19, 2002 – Phase 1 Consultant Hired
- May 20, 2003 – Phase 1 Conclusions and Recommendations Report to City Council
- June 3, 2003 – Phase 2 Commences, City Council adopts project objectives and authorizes MOU with participating landowners
- August 19, 2003 – Phase 2 Technical Consultants Hired

- September 11, 2003 – Planning Commission reviews public facilities site selection criteria
- September 17, 2003 – Community Workshop on Public Facilities
- September 30, 2003 - City Council reviews public facilities site selection criteria
- October 21, 2003 – Informational update provided to City Council
- January 27, 2004 – Phase 2 Public Workshop
- March 30, 2004 – Phase 2 Conclusions and Recommendations Report to City Council
- May 4, 2004 – Phase 3 Commences, City Council authorizes MOU with participating landowners
- May 27, 2004 – Presentation to Planning Commission
- June 1, 2004 – City Council approves Contracts & RFPs for Phase 3
- July 7, 2004 – Draft PEIR Notice of Preparation Issued
- August 3, 2004 – Draft PEIR and GPA Consultant Hired
- August 11, 2004 – Draft PEIR Public Scoping Meeting
- August 19, 2004 – Presentation to Parks and Recreation Commission
- April 19, 2005 – Public Education and Outreach Consultant Hired
- August 10, 2005 - Dedicated Opportunities Study Website Launched
- May 24, 2005 – Workshop on Traffic Analysis and Public Facilities Funding
- January 31, 2006 – Draft PEIR Released for 45-day Public Review
- March 15, 2006 – Open House
- March 15, 2006 - Draft PEIR Review Period extended to March 27, 2006
- March 27, 2006 - Draft PEIR Public Review Period Closes
- January 2007 – Portola Hills Ad Hoc Committee

Following receipt of all DEIR comment letters and additional inquiries from the Portola Hills Community, an Ad Hoc Committee was formed consisting of: the Mayor, City Staff, representatives from Portola Hills homeowner associations, Friends of Portola, and the developer/landowner. The Committee met three times during January 2007 to discuss the primary issues of concern to Portola Hills Residents: traffic, density, and schools.

The City held two community meetings prior to the public hearings on the Opportunities Study. The Community meetings were held in Portola Hills on March 31, 2008 and at El Toro High School on April 14, 2008.

The City thus sought the involvement of the community in both the planning and environmental process.

RTC ELWA2-26 Yes the public was notified of the significant air quality impacts of the project. Table 3.1-8 and the Summary Table (Table ES-2) identify the significant unmitigatable air quality impacts of the project. Mitigation measures for these impacts are indicated in Section 3.3.7 of the DPEIR.

RTC ELWA2-27 The Lead Agency (the City) will designate a responsible agency or individual within the Mitigation Monitoring Report that will be part of the programmatic EIR and any future project-specific environmental documentation. In addition, the resource agencies will also require compliance with applicable regulations and laws and will be involved in development and implementation of the final mitigation measures and will be provided with monitoring reports as applicable and required.

The City has analyzed a series of alternatives to the proposed project; these analyses are contained within Chapter 4 of the Draft PEIR.

As discussed within Impact 3.4-2 of the Draft PEIR, the proposed project will preserve most of the highest quality sage scrub within Site 2 as open space. However, residential and commercial development of the site would also require the removal of some of the high quality coastal sage scrub.

As discussed within Impact 3.4-1 of the Draft PEIR, a 2005 focused California Gnatcatcher Survey identified the presence of the California gnatcatcher within the site. As these species utilize coastal sage scrub habitat the removal of this habitat within Site 2 could displace individuals of this species. Implementation of MM 3.4-1 through MM 3.4-3 would require sensitive species surveys as appropriate and mandate consistency with the Conservation Guidelines for coastal sage scrub and compliance with the provisions of the Central and Coastal Orange County Natural Community Conservation Plan and Habitat Conservation Plan (NCCP/HCP) for sensitive species. This resource agency-approved mitigation would reduce potential impacts to this species and its habitat to a less-than-significant level.

EIP Associates performed a general reconnaissance-level survey of each of the seven parcels on December 2 and 3, 2004, to assess general habitat types within each site

and to assess the potential for the site to contain sensitive species and habitats. These surveys were not intended to provide a complete list of species that occupy the area, only provide a programmatic assessment of potential to occur. Any specific list of species that was included within the Draft PEIR was provided as part of USFWS protocol gnatcatcher surveys within specific sites.

As discussed within Impact 3.4-1 of the Draft PEIR, as the project is within the NCCP/HCP area there is a list of construction minimization measures that must also be followed to be in compliance within the NCCP/HCP. The construction minimization measures have been designed to reduce potential construction impacts to sensitive species within the coastal sage scrub (CSS) habitat to less than significant levels. One of these construction measures states that, "To the maximum extent practicable, no grading of CSS habitat that is occupied by nesting gnatcatchers will occur during the breeding season (February 15 through July 15)". This is achieved through avoiding construction during the breeding season or performing pre-construction surveys to identify and avoid occupied nests.

Although the reserve system covers over 37,000 acres of coastal sage scrub, grasslands, riparian, chaparral, woodland, and forest habitats, the proposed project sites were not included as reserve areas (i.e. the areas set aside from development) within the NCCP/HCP when it was created in 1996. This was a decision of the USFWS and the thirteen cities that are included within the plan.

Assessment of the specific type of open space proposed within Site 2 will be analyzed when a specific project is formally proposed for the site; please refer to Topical Response 2 for a further discussion of project vs. programmatic analysis. However, the creek areas, which are the primary areas for wildlife movement, are not currently proposed to be modified in such a way as to substantially restrict wildlife movement.

RTC ELWA2-28 The participation of the Nakase property in the Opportunities Study and the owners' willingness to sell are not included in the Draft PEIR because they are not environmental issues covered by CEQA. However, the following is provided for informational purposes and does not alter the conclusions of the EIR. When the Opportunities Study was initiated in 2002, all of the owners of vacant lands within the 65 CNEL were invited to participate by signing the Memorandum of Understanding. Six landowners, representing the lands studied in the Draft PEIR, chose to participate.

During Phase 2 of the Opportunities Study site selection criteria were developed which helped guide the selection of potential sites for the proposed public facilities. During Phases 2 and 3 of the Opportunities Study a number of potential park sites were studied. The Nakase site (Site 7) was determined to be the preferred site based on a number of factors, including its central location, topography, accessibility from major roadways, and proximity to other facilities.

Loss of agricultural land is identified as a significant unmitigated impact of the project in the EIR. Should the City approve the project, with unmitigated impacts, the City

will need to adopt a Statement of Overriding Considerations explaining the benefits that outweigh the environmental impact of the project.

RTC ELWA2-29 See response to comment ENHL-3.

RTC ELWA2-30 Yes. The notice included a description of the project and a website link where more detailed information about the project could be obtained, including location maps. The notice identified the issues addressed in the EIR and stated that the project sites were not included on any hazardous sites lists. The notice included the following list of issues, stating: "The EIR evaluates the impacts of the project which will have potentially significant effects in regards to Aesthetics; Air Quality; Biological Resources; Cultural Resources; Geology, Soils and Mineral Resources; Hazards and Hazardous Materials; Hydrology and Water Quality; Land Use and Planning; Population and Housing; Public Services; Noise; and Transportation and Traffic." At the time the notice was published, the date had not been set for the DEIR workshop. Separate notice for the workshop was provided. A copy of the notice is available at: <http://www.city-lakeforest.com/opportunitiesstudy/>

RTC ELWA2-31 The DEIR states on page 3.7-6 and on page 5-13 that there is a site listed on the SWIS database as a hazardous waste site and as being located within the proposed project site. It is a composting facility. Appendix F (ERS Report) has been included with the EIR to show the exact locations of the listed sites. As shown on page 10 of the ERS, the site listed on the SWIS database does not have an exact address. However, the location of this site can be seen on both the 1½ mile and the ¾ mile Radius Street Map with Sites located on pages 6 and 7 of the ERS. Both figures clearly show the SWIS listed site in a location within the project area on Site 1.

The mitigation measures listed on page 3.7-21 have been designed to eliminate or reduce to a level of less than significant those significant impacts to Hazards and Hazardous Materials that are caused by the Proposed Project and that are capable of being feasibly eliminated or reduced to a level of less than significant. The hazardous waste site listed above would be subject to mitigation measures MM 3.7-1 and MM 3.7-2 as discussed in Impacts 3.7-5 and 3.7-4.

RTC ELWA2-32 City Policy 1.4: "Ensure that the design of new residential development is compatible with that of existing residences" refers to building design. There are currently no existing residences on the project sites.

As shown on Figure 2-4 of the EIR, project densities are generally consistent with neighboring uses. Sites 1, 4 and 7 are surrounded by non-residential land use designations. Sites 2 and 5 are consistent with neighboring residential land use designations. Site 3 abuts non-residential uses to the north, and is largely separated from nearby residential uses by open space. Site 6 is surrounded by higher density residential than proposed for this site and non-residential land uses.

RTC ELWA2-33 Both tables are accurate. However, Table 2-5 provides the full density range for Site 2, whereas Table 4-29 lists the average density. The important comparison is the number of units and square footages. As shown on Table 2-5 the proposed project

includes 1,132 units on Site 2 and 178,720 square feet of commercial. This is the same number of units and square feet of commercial included in the Landowner Concept Plan for Site 2.

RTC ELWA2-34 Please see Topical Response 6. Changing land slope and improving infiltration and rainfall storage in landscaped areas can reduce runoff rates compared to minimally-vegetated, steep slopes with slow permeability soils.

RTC ELWA2-35 Please see RTC ENHL-3 regarding the range of alternatives selected for analysis. Fiscal impacts are not considered environmental impacts under CEQA and are therefore not addressed in the Draft PEIR.

RTC ELWA2-36 See RTC ENHL-3

Lake Forest Draft EIR Comments
Page 1 of 4

EMRI

**Eric and Melissa Riggert
28602 Brookhill Road
Portola Hills, CA 92679**

March 25, 2006

Ms. Gayle Ackerman, Development Services Director
City of Lake Forest, Development Services Department
25550 Commercentre Drive
Lake Forest, CA 92630
gackerman@ci.lake-forest.ca.us
Fax (949) 461-3512

RECEIVED

MAR 27 2006

**CITY OF LAKE FOREST
DEVELOPMENT SERVICES DEPT**

Dear Ms. Ackerman:

Thank you for extending the comment period for the *Lake Forest Opportunities Study Draft Environmental Impact Report* (DEIR) SCH No. 2004071039, dated January 31, 2006 to March 27, 2006. We think that it is positive that the City of Lake Forest (the City) is exploring options regarding the development of areas that were previously limited in the type of development that could occur due to their proximity to MCAS El Toro. However, as 11-year residents of Portola Hills, there are some aspects of the proposed development that are of concern to us.

We are very much concerned about the density of the proposed development at Portola Center (Site 2). Not only is the density being proposed by the developer aesthetically distasteful, but is also worrisome from both a land stability and an impact on natural resources standpoint.

The current community of Portola Hills has approximately 1,300 homes, 50% of which are low density, single-family homes. The proposed residential development of Portola Center adds 1,132 homes in a land area that is approximately 40% of the entire land area of the current community. This density is clearly not comparable to the existing development. Part of the appeal of living in a community like Portola Hills is the serenity that comes with living on the outskirts of society while still enjoying the nearby conveniences. The thought of doubling the population of our community is unappealing. While we realize that development of the area around us is inevitable we would hope that any residential development that would eventually take place could be done with minimal impact on the natural resources and beauty that surround us and be nearly identical to, or at least consistent with, the community that already exists.

This area is prone to liquefaction and landslides, as noted in the DEIR in Table ES-2, Impact 3.6-6 and Impact 3.6-7. This is further supported by events within the community of Portola Hills. Since the completion of the community, there have been five areas identified with land movement issues, three of which remain unresolved. Two areas have been mitigated through repairs. A third area, located behind Jasper Hill Road, is estimated to cost the Portola Hills II Homeowners Association (PH2) in excess of \$1 million to mitigate. A fourth area affects the community pool of PH2 and the cost

to properly repair this situation permanently is unknown, and PH2 has already incurred significant repair costs to temporarily repair the pool in order to have it remain useable to residents. The fifth area, and possibly the one having the most impact on the community, is the land movement on the site of the local elementary school, Portola Hills Elementary (PHE). Saddleback Valley Unified School District (SVUSD) is currently assessing the effect and extent of the land movement that has already made 55% of the permanent classrooms unusable due to the buildings being located on a falling slope. Depending upon the action taken by the District State Architect, the school site may be condemned. Finally, there are many homes within the Portola Hills community that are suffering from damage caused by land movement. Given the cost of repairs being borne by the homeowners in Portola Hills relating to repairing damage caused by land movement issues, we believe that the City of Lake Forest (the City) should take these factors into consideration when determining the density of *any* residential development on Site 2.

While we understand that SVUSD has taken the approach of analyzing the impact the Proposed Projects would have on the estimated increase in the student population on an overall basis, we believe that it is crucial to analyze this impact on a geographical basis. This is especially critical in reference to Site 2 and the impact on PHE because approximately 73% of the student population is already in portable classrooms and there is minimal room to add more portable facilities. In addition, the future of the school site is uncertain with the possibility of condemnation. The residential development of Site 2 has approximately 800 medium density homes that would be most likely offered at a price point that young families would be able to afford. These families would most likely have elementary aged children and this would have a near immediate impact upon PHE, which the DEIR currently shows as over-capacity. Even though there is a decline in student enrollment, the decline has been about 20 students per year. Per the information provided in the DEIR, it can be approximated that 350 students will be generated by the development at Site 2. This amount of students cannot be easily absorbed into PHE, and we are concerned how this will be addressed by SVUSD. Please provide a geographical analysis of the impact of the increase in the student population and alternatives if PHE is not available as a school site.

The lack of exploration of alternatives for development of Site 2, and many of the other sites as well, is very disturbing. In the case of Site 2, the residential development is surrounded on three sides by sensitive habitat, including Whiting Ranch Wilderness Park which Orange County Harbors, Beaches and Parks would like to expand from the existing 3,100 acres to 10,000 acres. The proposed residential development seems to go against the stated Project Objective of "[serving] to protect natural resources within the Project Area" since a significant portion of the sensitive habitats are expected to be eventually destroyed or severely damaged through development of the area. It is shocking that the Mitigating Measures for this destruction is payment of \$50,000 per acre destroyed. This is a pittance compared to what these developers will be receiving upon developing this land. In addition, there will be a significant increase on pollutants will be introduced into sensitive U.S. waterways. Surely the City places a higher value upon the preservation of the rich bounty of wildlife that exists at the eastern boundaries of the City than the short-term benefits of development. It is also

very upsetting and disturbing that the City did not deem it appropriate to explore any residential options that have a lower density and hence, a lesser impact, on the surrounding habitat and communities. Generally, residential developments would be preferable over industrial/business park developments but the residential development proposal presented in the EIR for Site 2 is not appealing. The developer has submitted a plan that maximizes the profit from the development rather than a plan that preserves the integrity and feel of the existing community and the surrounding sensitive habitat. The residential development being proposed does not appear to have a lesser overall impact on the area or upon current residents. We would appreciate seeing lower density, lesser impact alternatives.

3

While the EIR indicates that intersections and streets impacted by the Proposed Project were to be analyzed, there was no analysis performed for the intersection of the Glenn Ranch Road/Saddleback Ranch Road intersection. Simple logic would indicate that this intersection would be heavily impacted by a development of 1,132 homes and a small mixed-use retail center, and yet a study of the impact was not performed. A review of Figure 3.1-20 lends one to conclude that there will be a significant impact on traffic. Please provide a complete analysis of the traffic impact, including both the above referenced intersection and the intersection of El Toro Road/Glenn Ranch Road.

4

Another concern we have is the adequacy of parking provided for the retail/mixed-use center, the medium density development, and the community park. Within the existing community of Portola Hills, there are three condominium developments, all of which have inadequate parking resulting in extensive overflow parking onto nearby streets that is well documented in PH2 Newsletters. In addition, the parking provided for Concourse Park is inadequate at peak use hours for the park. The City is aware of at least two of these parking problems as there have been significant alterations to the parking zones both on Fawn Ridge and Malabar in order to appease the surrounding homeowners. Has the City performed adequate analysis to ensure that there will be enough parking for the proposed development? As evidenced by the existing condominium developments with Portola Hills, there has historically been inadequate parking provided for a typical family's second car and guest vehicles. Clearly relying upon association rules regarding the usage of garages for parking does not work. In addition, these medium density homes will be in close proximity with mixed-use facilities, has the City adequately studied the transitory customer parking requirements along with the resident requirements? Finally, the community park should have adequate parking to accommodate users of the park at peak hours, including use of the facilities by local community youth athletic teams for practices and games. Failure to provide adequate parking for either facility will result in overflow street parking onto Glenn Ranch Road that will create an unsafe condition for users of Glenn Ranch Road as well as present aesthetic issues. Currently, there is already significant overflow parking on Glenn Ranch Road from the Oakley facility that presents both aesthetic and safety issues due to reduced visibility. Please ensure that adequate parking will be available and that there will be no overflow parking onto Glenn Ranch Road.

5

Beyond the points listed above, we would like to inquire as to how the existing Mello-Roos bond being paid by the original Portola Hills community will impact the

6

proposed residential development. It hardly seems equitable that a community that will be congruous with the existing community will not help bear the cost of the infrastructure that the new community will be utilizing. Can the City please provide some insight as to how this will be addressed?] 6

In conclusion, the lack of lower density, lesser impact alternatives for this site, and others, is disturbing. We would rather have industrial/business park option remain than have the 1,132 home/mixed-use development that has been proposed for Site 2. While the industrial/business park option will most likely have an impact on traffic at peak traffic hours, it will not have a 24/7 impact on the neighborhood.] 7

Thank you for allowing us the opportunity to comment on the Proposed Project. We hope that the City balances the economic gains from the Proposed Project with the needs and concerns of the residents that these projects will impact and find a reasonable balance between the two.

Regards,



Eric and Melissa Riggert

CC: Mr. Richard Dixon, Mayor
Mr. Mark Tettemer, Mayor Pro Tem
Mr. Peter Herzog, Council Member
Ms. Kathryn McCullough, Council Member
Ms. Marcia Rudolph, Council Member

■ Response to Comments: EMRI

- RTC EMRI-1 Land Use—Densities
- This comment contains introductory or general information, is not a direct comment on the content or adequacy of the Draft COMMENTER, and does not raise any specific environmental issue. Pursuant to CEQA, a general response is sufficient when a comment is general in nature [refer to *ALARM v. City of Los Angeles*, 12 CA4th 1773 (1993); *Browning-Ferris Industries v. City Council*, 181 CA3d 852, 226 CR 575 (1986)]. Therefore, this comment is noted and no further response is required.
- The commenters concerns regarding the proposed density are noted and will be communicated to the City's decision-makers.
- RTC EMRI-2 The Opportunities Study will determine the maximum allowable density and land use for sites within the Study Area. As site-specific planning occurs, constraints on individual sites may result in a reduction in the number of units that can feasibly be constructed given Building Code requirements.
- A geographic analysis of school impacts is not provided because it is not required in order to determine whether the project will have school impacts and whether those impacts can be mitigated. See response to comment 185.
- RTC EMRI-3 See RTC ENHL-3, GRFO-1 and IAMO-4.
- RTC EMRI-4 See RTC ELWA-18 and Topical Responses 7 and 9 which explain that the intersection of Glenn Ranch Road and Saddleback Ranch Road will not be impacted, as future volumes will be less under the proposed project than the existing General Plan. In addition, intersections in these areas will be evaluated as part of the site-specific review of any of the individual development projects on the seven sites, which might affect this area.
- As noted in RTC ELWA-18, the traffic study included all areas where the project would increase traffic by one percent compared to General Plan levels. General Plan levels have received prior environmental review as part of the EIR for the General Plan.
- RTC EMRI-5 Parking issues will be addressed as part of the environmental analysis of specific development projects. The Planned Community Text for the Portola Center development will require compliance with zoning code requirements aimed at ensuring adequate on-site parking.
- RTC EMRI-6 The community facilities district/Mello-Roos bonding is not an environmental issue covered by CEQA.
- RTC EMRI-7 Comment noted. See RTC ENHL-3.

Mar 27 06 06:44p

Kathleen Muldoon

(949) 709-2049

p. 1



EMWA

**LAKE FOREST OPPORTUNITIES STUDY
DRAFT EIR
COMMENT CARD
(PLEASE PRINT)**

Name: Ed Wanner, Mary Wanner, Carol Price
Address: 5030 Jardin 5017 Jardin

Date: 3/26/06

Comments:

We are residents of Laguna Woods.
We just became aware today of the
Lake Forest Opportunity Study. The
Santa Maria, Weston Pky. intersection
will be degraded by your proposed
project. We were never notified of
this project. We believe a public review
and comment period should be given to
our residents who will be greatly affected
Too many people! Too many cars!

MAIL COMMENTS TO:
CITY OF LAKE FOREST, DEVELOPMENT SERVICES
ATTN: GAYLE ACKERMAN
25550 COMMERCENTRE DRIVE, SUITE 100
LAKE FOREST, CA 92630

Please return written comments to the City

■ Response to Comments: EMWA

RTC EMWA-1 The commenter is concerned about the result of worsening of traffic at the intersection of Santa Maria Av. at Moulton Pkwy (within the Expanded Study Area). The commenter is correct in noting that the intersection of Santa Maria Av. at Moulton Pkwy will have heavier traffic when compared to existing conditions (the intersection is expected to decrease from LOS A/B to LOS E/E in 2030). However, as shown in Table 3.14-14 of the PEIR, this intersection (along with many others) would still be impacted in 2030 even without the Proposed Project, based on development consistent with the General Plan. In essence, although this intersection is anticipated to worsen at build-out, it is not the result of the Proposed Project; rather, the impacts to this intersection would occur as a result of cumulative development (i.e., the 2030 General Plan Scenario).

RTC EMWA-2 The comment states that there should be a public review and comment period for the Proposed Project. The City filed a Notice of Preparation (NOP) with the California Office of Planning and Research indicating that an EIR would be prepared. The NOP was distributed to involved public agencies and interested parties for a public review period, which began on July 7, 2004, and ended on August 16, 2004. The purpose of the public review period was to solicit comments on the scope and content of the environmental analysis to be included in the EIR. The Draft Program Environmental Impact Report (Draft PEIR) was distributed to various public agencies, citizen groups, and interested individuals for a 45-day public review period, which began on February 2, 2005, and ended on March 21, 2005. The comment period was extended to March 27, 2006. The Draft PEIR was circulated to state agencies for review through the State Clearinghouse, Office of Planning and Research. Copies of the Draft PEIR were available for review at all libraries within the City of Lake Forest, as well as at the City Planning Counter and the City Clerk's Office. During the review period, the public was provided with the opportunity to submit written comments on the Draft PEIR. An Open House was held at City Hall on March 15, 2006, to present the proposed project and invite public comment. The public was invited to attend through publication of a hearing notice in the appropriate venues and the local newspapers.

See also Topical Response 12 regarding noticing and the public participation process for this project.

ERKE

Ackerman, Gayle

From: Erin [Keeb.4@cox.net]
Sent: Friday, March 24, 2006 10:51 AM
To: Opportunities_Info
Subject: Concern over housing units planned in Portola Hills
Importance: High

Dear Gayle Ackerman:

I wish to express my concerns about the planned 1,132 new housing units for Portola Hills. As one of the original owners in this area for 15 years, I am mortified that these homes are being planned without any addition of new schools.

My children attend Portola Hills Elementary and I understand they already have 900 students at this school. This is a ridiculous number for an Elementary School. We've seen the addition from Painted Trails and now more? I cannot believe it. I have also seen the changes in the SVUSD where my children originally were to attend RSM Intermediate School and then Trabuco Hills High School. Now we have to go to Serrano Intermediate and then El Toro High School. How will this affect us when we may have 700 extra students added to these already crowded schools?] 1

My question to you and where is our Mello Roos money going anyway? Wasn't this supposed to be for new schools? Portola Hills Elementary School certainly has been paid off for many years now. I am vehemently against this proposal of new homes without any new schools being added. I haven't even touched the subject of traffic, which is another big concern.] 2

I vote "NO" to this addition. What more can be done to stop it?

Sincerely,

Erin Keeby
Portola Hills Homeowner since 1991

■ **Response to Comments: ERKE**

RTC ERKE-1 Please see Topical Response 7 which addresses concerns in the Portola Hills area including schools. Please also see Topical Response 8 regarding schools.

RTC ERKE-2 Please see Topical Response 7 which addresses concerns in the Portola Hills area including Mello Roos. Your comment will be included in the Final PEIR and provided to the decision-makers for review and consideration during their deliberations of whether or not to approve the Proposed Project.

17.

ESWH

Ackerman, Gayle

From: estherwheeler@cox.net
Sent: Friday, March 03, 2006 5:47 PM
To: Opportunities_Info

Ms Gayle Ackerman, Director of Development Services:

I need to let you know how opposed I am to the proposed building 1132 of new homes in Portola Hills and am requesting a public hearing in Portola Hills.] 1

It is ridiculous to just expect the school district to absorb the extra children with no intention of building new schools. As it stands this proposal will increase our community by 50%!] 2

What studies have been done to see what that will do to traffic, area schools, Whiting Ranch, etc.?] 3

The residents of Portola Hills need to have a say in what is going on in our community!] 4

Esther Wheeler
949 766-0173

■ Response to Comments: ESWH

- RTC ESWH-1 Your comment will be included in the Final PEIR and provided to the decision-makers for review and consideration during their deliberations of whether or not to approve the Proposed Project. Please see Topical Response 12 which explains the public participation process for the project. A hearing will be held prior to adoption of the Final PEIR and any action on the project.
- RTC ESWH-2 Please see Topical Response 8 which addresses school issues.
- RTC ESWH-3 Please see the Draft PEIR and PEIR Technical Appendices which contain the studies done for the proposed project. They are available at: <http://www.city-lakeforest.com/opportunitiesstudy/about.php> under the DEIR tab: http://www.city-lakeforest.com/opportunitiesstudy/draft_eir.php Please also see Topical Response 7 which addresses Portola Hills concerns.
- RTC ESWH-4 Please see Topical Response 12 which explains the public participation process for the project. A hearing will be held prior to adoption of the Final PEIR and any action on the project.

New Homes/ Apts in Portola Hills

Page 1 of 1

EVSA

Ackerman, Gayle

From: Evonne Sayers [ESayers@masimo.com]
Sent: Monday, March 27, 2006 3:54 PM
To: Opportunities_info
Subject: New Homes/ Apts in Portola Hills

Dear Gayle:

Many of my neighbors and our families have the following concerns and are not in agreement of the new plans submitted for the Portola Hills.

- o Concerned for vehicles parked adjacent to Glenn Ranch Road due to high-density apartments. Historically there has been significant concern regarding overflow from high-density and medium density housing on city-owned streets. Recommend "No Parking - 10PM - 6AM" for all of Glen Ranch Road and Saddleback Road. Same as currently enforced in Portola Hills on Fawn Ridge Road.] 1
- o Where will students from Portola Center attend school? Portola Hills Elementary is already beyond capacity and is utilizing "temporary" facilities to meet the current demand.] 2
- o Entry points to Portola Center homes located off of Saddleback Ranch Road are too close to the intersection between Saddleback Ranch Road and Glenn Ranch Road. This will cause traffic concerns for vehicles turning north on Saddleback and will back up traffic on Glenn Ranch that is already heavy traveling from west to east.. This will be especially concerning if there is a guard shack or other traffic control barrier at the entrance.] 3

The reason why many of us love the area is due to the fact we feel like we are getting away from all the traffic/congestion as we find in Irvine and now Foothill Ranch. There is no way Portola Hills can support a population increase as such with our current infrastructure. In addition, we do not want to become highly congested and populated at a 50% increase.

Thank you for your time and your support.

Sincerely,

The Sayers Family

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■ Response to Comments: EVSA

- RTC EVSA-1 Please see Topical Response 7 which addresses concerns in the Portola Hills area including traffic and Topical Response 9 regarding traffic.
- RTC EVSA-2 Please see Topical Response 7 which addresses concerns in the Portola Hills area including schools and Topical Response 8 regarding schools.
- RTC EVSA-3 Please see Topical Response 7 which addresses concerns in the Portola Hills area including traffic and Topical Response 9 regarding traffic. In addition, traffic will be addressed as part of project-level environmental review of site-specific development proposals. See Topical Response 2 for an explanation of project-level versus program level environmental review.

6.

GAMO

Ackerman, Gayle

From: GAMona@aol.com
Sent: Thursday, March 02, 2006 11:12 PM
To: Opportunities_Info
Subject: Questions

Hello,

Please provide a specific website address that will bring me to the location of the city's concise outline for proposed development in Portola Hills. After searching around for some time on the Opportunities section of your website, I am still unable to locate this information.]¹

Second, several of the Draft EIR links on your website do not work. When I clicked on several of these links, I received a message that the "file is corrupted" and unable to be viewed. Please let me know when these files will be repaired and accessible.]²

Third, will Portola Hills representatives be included in the planning stages of the proposed development in our community? If so, who, how and when? If not, why?]³

Thank you, and I look forward to hearing back from you.

Gail Mona
Portola Hills Resident

■ Response to Comments: GAMO

- RTC GAMO-1 A summary outline of the proposed development in Portola Hills is not available. The project is currently being analyzed at the program level (See Topical Response 2) and the most concise information available for the project is available in the DEIR Project Description at Section 2.5. In addition, the City's website contains summary information regarding all six of the project sites at: <http://www.city-lakeforest.com/opportunitiesstudy/about.php>
- RTC GAMO-2 The links are working currently.
- RTC GAMO-3 Please see Topical Response 12 which explains the public participation process for this proposed project. Any individuals who chose to participate were included in this process.

GEMI

Geoffrey Miller

19231 Jasper Hill Road, Trabuco Canyon, CA 92679 • (949) 459-6886 • darla.miller@earthlink.net

RECEIVED

March 26, 2006

MAR 27 2006

Richard T. Dixon, Mayor of Lake Forest
Lake Forest City Hall
25550 Commercentre D., Suite 100
Lake Forest, CA 92630

CITY OF LAKE FOREST
DEVELOPMENT SERVICES DEPT

Dear Mr. Dixon,

First of all, I want to thank you for all the years of service you have provided since we have voted you into office as Mayor of Lake Forest. I am presently writing because of my concern over the planned housing, Portola Center, in Portola Hills area at Glenn Ranch Road and Saddleback Ranch Road.

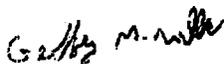
We have been reading up on the planned area and have concerns over the density of the proposed housing and traffic congestion with so many units. Our local school, Portola Hills Elementary, is already over capacity with traffic issues during school hours. The roads leading into Portola Hills (El Toro/Glenn Ranch and Portola/Glenn Ranch) are heavy with traffic that it is difficult getting in and out of the area at peak hours. Has the City completed traffic studies of these feeder roads?] 1

There are also present issues with poor slope stabilization in Portola Hill homes where Baldwin has built. More concerning are the Portola Hill Elementary school slopes that are sliding causing building failures. There are scaffolding areas throughout the school buildings to attempt at safety. Has Baldwin remedied this problem yet? What are Baldwin's plans for avoiding future slope slippage? Baldwin never built the promised Concourse Park – the City of Lake Forest finally stepped in and built the long-awaited park.] 2

Has the City of Lake Forest considered decreasing the number of housing units? Why not consider the original plan of around 500 units with larger sized single-family homes?] 3

We would like to be notified about the public hearings so we can be a part of the decisions that will affect our neighborhood. Thank you for your consideration of our concerns. We look forward to working with you and the City of Lake Forest.

Sincerely,



Geoffrey Miller

cc: Gayle Ackerman

■ Response to Comments: GEMI

- RTC GEMI-1 The Section 3.14 of the Draft PEIR includes the conclusions of a traffic study completed by Austin-Foust Associates specifically for the proposed project, which analyzed potential impacts to the roadway network serving the project area. Please see Topical Response 7 which addresses concerns in the Portola Hills area.
- RTC GEMI-2 The commenter notes that poor slope stabilization has created problems in the vicinity of the project area. The Draft EIR examined potential impacts related to land movement and stability in Section 3.6, Geology and Seismicity. The analysis determined that compliance with the California Building Code would prevent potential adverse effects. Please see Topical Response 7 which addresses schools and land movement concerns and Topical Response 8 regarding schools.
- RTC GEMI-3 The Draft EIR considered a number of alternatives to the Proposed Project, which are described and evaluated in Chapter 4. Please see Topical Response 11 regarding alternatives.

28.

GLBE

Ackerman, Gayle

From: Glenn_DeBerg@URSCorp.com
Sent: Wednesday, March 08, 2006 9:21 AM
To: Opportunities_Info
Subject: acquiring most recent copy of EIR

Hi my name is Glenn DeBerg and i am from URS Corporation. I am trying to figure out how i can acquire the most recent completed copy of your EIR that is related to your general plan? If there is anything that you can do to help me, it would be greatly appreciated.] 1

Thank You,

Glenn DeBerg JR.
URS Corporation
2020 E. First Street, Suite 400
Santa Ana, CA 92705
Direct: 714.648.2741
Fax: 714.433.7701
glenn_deberg@urscorp.com

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■ Response to Comments: GLBE

RTC GLBE-1 Information regarding the proposed project and the Draft PEIR are located on the City of Lake Forest website (<http://www.city-lakeforest.com/>). Follow the link to the right side of the screen called “Opportunities Study”.

The question regarding the EIR for the General Plan is not directly related to the proposed project and Draft PEIR and has been answered separately.

Blank

GLMI

Page 1 of 1

Ackerman, Gayle

From: Glen Michael [glenmichael@cox.net]
Sent: Sunday, March 26, 2006 11:31 AM
To: Opportunities_Info
Subject: Portola Hills

Ms. Ackerman - In reviewing the proposal for the development of the remaining open space here in the Portola hills area, it's very evident that little consideration was given to traffic congestion and schools.

All of the homes North of Glenn Ranch Road will have entrances on to Saddleback Ranch. This street is extremely congested during the morning as parents drop their children off at the grade school. It's not uncommon for traffic to be at a stand still a half a block down the hill from the grade school.

In addition the school itself is currently over it's designated capacity for students, how will the influx of hundreds of more children be addressed?

I strongly feel the proposed plans place too many homes in the designated areas.

Glen Michael
19832 Highridge Way
Portola Hills
949-713-0880
Cell (909) 816-9447

] 1
] 2

■ Response to Comments: GLMI

- RTC GLMI-1 The Draft EIR examined potential traffic impacts in Section 3.14. This analysis included the AM peak hour during school drop off time. Please see Topical Response 7 which addresses concerns in the Portola Hills area including schools and traffic. Please also see Topical Responses 8 and 9.
- RTC GLMI-2 The Draft EIR examined potential impacts to schools in Section 3.12, and recommended Mitigation Measure 3.12-3 to reduce potential impacts to a less-than-significant level. Please see Response to Comment GLMI-1.

31
1,132 HOUSING UNITS PLANNED FOR PORTOLA HILLS

Page 1 of 1

GRHO

Ackerman, Gayle

From: Greg Hoy [GHoy@ncen.com]
Sent: Thursday, March 09, 2006 9:29 AM
To: Opportunities_Info
Subject: 1,132 HOUSING UNITS PLANNED FOR PORTOLA HILLS

Attn: Gayle Ackerman, Director of Development Services

Gayle,
Concerns with the addition of 1,132 housing units planned for Portola Hills.
How is the School District going to "absorb" doubling the size of the Portola Hills community?
Part of the attraction to Portola Hills is the schools. Cramming more children into already
overfull class rooms is not going to elevate the current reputation the schools have, it will be
quite the opposite.] 1

I also have concerns with additional strains on the infrastructure in general.] 2

Sincerely,

Greg C. Hoy- ghoy@ncen.com <<mailto:ghoy@ncen.com>>
Video Production Editor
Direct: 949-517-0924 / Cell: 949-331-8247 / Editbay: 949-517-0893
Fax: 949-250-5184

New Century Mortgage Corporation - www.NewCentury.com
18400 Von Karman, Suite 1000, Irvine, CA 92612

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■ **Response to Comments: GRHO**

- RTC GRHO-1 Please see Topical Response 8 which addresses school issues and Topical Response 7 which addresses Portola Hills issues.
- RTC GRHO-2 The potential impacts of the proposed project to the City's infrastructure were evaluated and discussed in Section 3.15 (Utilities/Service Systems) and were found to be at less than significant levels.

GRSP

Page 1 of 1

Ackerman, Gayle

From: greg spangler [gregspangler@gmail.com]
Sent: Monday, March 27, 2006 2:34 PM
To: Opportunities_Info
Subject: Portola Hills Project

Dear Gayle,

I appreciate you taking the time to speak to me today. I have found the EIR and will review further. In the interim, can you put me on an email list to update me to any changes or hearings to the Portola Hills project.]¹

Thank you,

Greg Spangler
28731 Pendleton Rd
Trabuco Canyon, CA 92679

■ Response to Comments: GRSP

RTC GRSP-1 Please see Topical Response 12 regarding noticing and the public participation process. You have been added to the mailing list. Up-to-date information regarding the proposed project is also available on the City's website at: <http://www.city-lakeforest.com/opportunitiesstudy/about.php>.

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GSDA

Ackerman, Gayle

From: Glenn Daynes [gdaynes@cox.net]
Sent: Wednesday, March 08, 2006 12:46 PM
To: Opportunities_Info
Subject: EIR - PORTOLA HILLS

Attn: Gayle Ackerman, Director of Development Services

Opinion of the Proposed Units in Portola Hills: OPPOSED

We have owned our home in Portola Hills since 1990. Despite your best hopes I'm sure you're not surprised by the opposition you have received, and will continue to receive, to the proposed 1100 new residences in this unique community. Orange County is running out of buildable land. South County is the prime target for builders. These are today's realities. Having said that, a 50% increase to this community, in it's present configuration, is simply **EXCESSIVE**. At some point we expected something would be built there. Imagine our surprise when we saw this.

Our primary concerns:

1. 466 APARTMENTS ... Density is much much **TOO HIGH**
2. traffic congestion
3. impact on Elementary school
4. Baldwin's "lack of financial responsibility" for the existing million dollar grading and slippage problems now being carried by residents

In 1990 we didn't sign on to this plan. In it's present state we, and the Portola Hills community, will not sign on to this plan.

Suggestions:

- A. Significantly **REDUCE** or eliminate the APARTMENTS all together
- B. Developer's to bear 100% of the cost of upgrading AND expanding the Elementary school
- C. Baldwin to bear 100% of the cost of repairing the slippage problems that exist within Portola Hills HOA II ... which they created and knew was a problem
- D. Fight vs. Conciliatory ... Be **REASONABLE** with us and you'll receive a reasonable response from the community in return

Portola Hills is an unusual community for So. California; it's very tight-knit. This EIR plan is seen as a **HUGE** intrusion. We will be monitoring this daily and welcome your feedback.

One Last Thought: residence of Portola Hills are still stinging from the "hostile takeover,"

otherwise known as **annexation**, by the City of Lake Forest.

4

Sincerely,

Glenn & Sheryl Daynes
28392 Quiet Hill Lane
Portola Hills 92679
(949) 589-0399

■ Response to Comments: GSDA

- RTC GSDA-1 Your comment will be included in the Final PEIR and provided to the decision-makers for review and consideration during their deliberations of whether or not to approve the Proposed Project.
- RTC GSDA-2 Please also Topical Response 7 which explains the change in allowable density that would result from the project and addresses concerns in the Portola Hills area. Please also Topical Response 8 which addresses school issues. See also Topical Response 10 which addresses the landslide issue.
- RTC GSDA-3 Please see Topical Response 11 which explains the alternatives addressed in the Draft PEIR. Your comment will be included in the Final PEIR and provided to the decision-makers for review and consideration during their deliberations of whether or not to approve the Proposed Project. See RTC GSDA-2.
- RTC GSDA-4 Your comment will be included in the Final PEIR and provided to the decision-makers for review and consideration during their deliberations of whether or not to approve the Proposed Project. Please see Topical Response 12 which explains the public participation process for the project. A hearing will be held prior to adoption of the Final PEIR and any action on the project. You will be provided with notice. In addition, the City has established a website with information regarding this project to assist in keeping the public informed: <http://www.city-lakeforest.com/opportunitiesstudy/about.php>

HEAR

39
Ackerman, Gayle

From: Heidi Arden [peregrinemodels@sbcglobal.net]
Sent: Tuesday, March 14, 2006 9:42 PM
To: Opportunities_Info
Subject: Gayle Ackerman

Ms. Ackerman,

The rezoning of Portola Hills has recently come to my attention. I have read through the document regarding the project, and am fairly alarmed at the amount of new housing that will be going in. This will, in effect double the size of the community. A big reason why a lot of our neighbors moved here was the sense of being away from the crush of Southern California. The traffic and light at night generated from so many units will degrade the area by quite a bit. I know that development doesn't stand still, but I would also hope that our city leaders would take into consideration the quality of life we enjoy here. I look at some of the new developments in Irvine, and while architecturally they are more interesting, the sheer number of units is horrifying. I'd rather not be able to borrow a cup of sugar from my neighbors by reaching through the windows.

Another consideration is the impact on our elementary school. I understand that a lot of the current students will have moved on to junior high, but at the current prices of housing, how many more young families will have the means to move in? Do we know the general price range of these new homes? Or are we going to be looking at another slew of \$800,00 + homes that few young families can afford?

I appreciate your time reading this as I know you are spectacularly busy. I would like to see less housing units squished into the currently beautiful hills. This is a special area. Thanks again.

Sincerely,
Heidi Arden

■ Response to Comments: HEAR

RTC HEAR-1 Your comment will be included in the Final PEIR and provided to the decision-makers for review and consideration during their deliberations of whether or not to approve the Proposed Project. Please see Topical Response 8 which addresses school issues and Topical Response 7 which addresses Portola Hills issues. School projections are included in the Demographic Report included as an appendix to the Final PEIR.

HEBA

**19352 Sleeping Oak Drive
Trabuco Canyon, CA 92679**

March 24, 2006

Richard T. Dixon, Mayor
Mark Tetterer, Mayor Pro Tem
✓ Peter Herzog, Council Member
Katheryn McCollough, Council Member
Marcia Rudolph, Council Member
City of Lake Forest
Lake Forest City Hall
25550 Commercentre Dr., Suite 100
Lake Forest, CA, 02630

Dear Sir/Madam:

The purpose of this letter is to express my deep concern regarding the planned development in the Portola Hills area as proposed by the Lake Forest Opportunities Study. I am a current resident and original homeowner who has lived in Portola Hills for over 19 years

It is my understanding that proposed development plans call for adding 1,132 homes. Our current community has about 2,000 homes so this proposal increases our community by 50 percent. In 1997 the Baldwin Co. proposed a build-out that included 600 homes in the same area. At the time of the 1997 proposal there were many concerns regarding traffic and accommodating the additional students in current schools. The current proposal has twice the number of units as proposed 10 years ago. What has changed to allow twice the number of units? Is Lake Forest attempting to solve current city housing issues in the limited space of Portola Hills?

1

Does the Saddleback Valley Unified School District (SVUSD) plan to absorb the additional students into existing schools? This is unacceptable as Serrano Intermediate is overcrowded and Portola Hills Elementary (PHE) cannot be considered a viable school site due to land movement issues.

PHE has had land movement issues over the last few years. This has resulted in the closure of at least 10 classrooms. The lost classrooms have been replaced by portable units which has significantly reduced the playground area. The school's future is in limbo. Measure B money (school bond for facilities improvements) has been put on hold resulting in the lost value of current/future improvements while other SVUSD schools enjoy capital improvements. It should be noted that the Baldwin Co., as the original Portola Hills developers, is responsible for the original grading and thus current land movement. As the statute of limitations has

2

run out, the Baldwin Co. has not done anything to assist our school in resolving this matter.

- Where will the students of the new development attend elementary and secondary schools?
- If Portola Hills Elementary must be closed where will current and new students attend elementary school?
- Will the Baldwin Co. be required to set aside an elementary school site in the new development?
- Will the new homeowners be assessed a Mello Roos type tax to fund the increase in enrollment?
- Will the Baldwin Co. be required to "do the right thing" and fix the current Portola Hills Elementary School before being allowed to commence the proposed development?

2

The current Portola Hills homeowners pay a significant amount of Mello Roos taxes. Our Mello Roos taxes pay back bonds which were used for the construction of the elementary school, foothill traffic circulation and water districts. I am concerned that with the new development our tax bond will be increased in length of time and/or dollars to fund required improvements.

3

- Will the current Portola Hills landowners have an increase in existing Mello Roos taxes?
- Will new residents of the proposed development have a Mello Roos bond on their property?

I am very concerned regarding the traffic that will be generated by the new residents of the proposed development and the retail center. There will be significant increases at all points along Glenn Ranch Rd. including El Toro Rd., Saddleback Ranch Rd., and Portola Pkwy. If a retail center is included, this will also bring a different type of car trips per day into the area. In addition, the traffic along Portola Parkway between the 241 Toll Way interchange and Bake Parkway is currently unmanageable at peak commuting hours. Intersections are gridlocked and it is difficult to get in and out of my neighborhood entrance.

4

- Will the proposed development include significant changes to the existing traffic patterns at Glenn Ranch Rd. and Saddleback Ranch Rd.?
- Will the proposed development be delayed until the extension of Alton Parkway up to the 241 Toll Way is completed to relieve the current traffic on Portola Parkway?

It is my understanding, based on City of Lake Forest material and articles in the local newspaper, that the Baldwin Co. is the current landowner and developer of the proposed "Portola Center" area. Many current Portola Hills homeowners do not look kindly on any proposed development by the Baldwin Co. Based on our

5

past experiences we do not trust their word or their ability to perform. There are several areas of land movement and slope failure in Portola Hills including, but not limited to, the elementary school, behind homes abutting Whiting Ranch, various streets, and the Portola Hills II recreation center has a swimming pool that is slipping down the slope it was built on.

My understanding is that the Baldwin Co. was the original developer of Portola Hills and responsible for the grading of the area. There is also the matter of Concourse Park, which is the community park long promised in our neighborhood but never built by the Baldwin Co. despite the fact there was a large amount of money set aside for this purpose. The Concourse Park was finally built by the City Lake Forest, after the annexation of our community. It is these types of issues and experiences that taint our belief and trust in the Baldwin Co. to properly develop the remaining portion of Portola Hills.

- Will the City of Lake Forest hold the Baldwin Co. accountable for the current and continuing land movement in Portola Hills?

Why weren't the land owners of Portola Hills notified of the planned development of Site 2 Portola Center before development agreements were being negotiated? Lake Forest has been working on the Proposed Project for three years and spent \$1.5 million on the EIR.

I would appreciate a reply regarding how the City of Lake Forest will be responding to my questions and concerns outlined above.

Sincerely



Heather C. Banner

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6

■ Response to Comments: HEBA

- RTC HEBA-1 Your comment will be included in the Final PEIR and provided to the decision-makers for review and consideration during their deliberations of whether or not to approve the Proposed Project. Please also see Topical Response 7 which explains the change in allowable density that would result from the project and addresses concerns in the Portola Hills area.
- RTC HEBA-2 Please see Topical Response 7 which addresses concerns in the Portola Hills area including schools, land movement, and Mello Roos. Please also see Topical Response 8 regarding schools and Topical Response 10 regarding landslides.
- RTC HEBA-3 Please see Topical Response 7 which addresses concerns in the Portola Hills area including Mello Roos.
- RTC HEBA-4 Please see Topical Response 7 which addresses concerns in the Portola Hills area including traffic and Topical Response 9 regarding traffic.
- RTC HEBA-5 The PEIR addresses the potential impacts of the proposed project, rather than issues regarding existing conditions. Please see Topical Response 1. Should the project be approved both the mitigation measures included in the PEIR and any site-specific measures developed as part of site specific review of project-level development plans will be legally enforceable.
- RTC HEBA-6 Please see Topical Response 12 which explains the public participation process for the proposed project.

HOAB

late

Ackerman, Gayle

From: Howard Abrahams [bacabuck@cox.net]
Sent: Tuesday, March 21, 2006 9:01 PM
To: Opportunities_Info
Subject: Portola Center Concerns

Gayle Ackerman
Director of Development Services

I have been a resident of Portola Hills for over 3 years and have a few concerns that I would like to share with you regarding the planned Portola Center project.

- Concerned about unsightly and dangerous conditions caused by vehicles parked adjacent to Glenn Ranch Road due to high-density apartments. Currently, associates who work in the industrial center during daytime hours park directly on Glenn Ranch Road. Often, they will pull out into traffic making illegal U-turns in front of on-coming traffic. There is already a tremendous amount of traffic heading east on Glenn Ranch.] 1
- Historically there has been significant concern regarding overflow parking from high-density and medium density housing on city-owned streets. Recommend "No Parking - 10PM - 6AM" for all of Glen Ranch Road and Saddleback Road. Same as currently enforced in Portola Hills on Fawn Ridge Road. This was also an issue on El Toro Road north of Portola Parkway. Commercial vehicles are already a common sight being parked for extended periods of time on Glen Ranch Road between the entrance to Whiting Ranch and Saddleback Road where the grading is level.] 2
- Where will students from Portola Center attend school? Portola Hills Elementary is already beyond capacity and is utilizing "temporary" facilities to meet the current demand.] 3
- Entry points to Portola Center homes located off of Saddleback Ranch Road are too close to the intersection between Saddleback Ranch Road and Glenn Ranch Road. This will cause traffic concerns for vehicles turning north on Saddleback and will back up traffic on Glenn Ranch that is already heavy traveling from west to east. This will be especially concerning if there is a guard shack or other traffic control barrier at the entrance.] 4

Thank you for your consideration of these issues.

Howard Abrahams
19202 Willow Brook Lane
Portola Hills

■ Response to Comments: HOAB

- RTC HOAB-1 Thank you for your comments regarding an existing condition. The PEIR analyzes the impact of the proposed project at a program-level of review and is not intended to diagnose or cure existing problems. Rather, impacts of the proposed project are addressed within the context of existing conditions. Please see Topical Response 1 which explains the appropriate level of description of existing conditions and Topical Response 2 which explains the difference between a program-level EIR and a project-level EIR.
- RTC HOAB-2 Parking issues will be addressed as part of project-level review of development proposals for each of the sites.
- RTC HOAB-3 Please see Topical Response 8 which addresses school issues. Impact 3.12-2, on page 3.12-12 of the Draft EIR, analyzed the potential impacts of the Proposed Project on schools, and concluded that implementation of Mitigation Measure MM3.12-3, which requires payment of applicable fees to SVUSD, would reduce this impact to a less-than-significant level.
- RTC HOAB-4 Please see Topical Responses 7 and 9 which address traffic issues.

Ms. Gayle Ackerman, Development Services Director
Lake Forest Opportunities Study Program Draft DEIR Comments
Page 1 of 11

IAMO

Ian and Amanda Morrell
28561 Chimney Rock Circle
Portola Hills (Lake Forest), CA 92679

20 MARCH 2006

VIA EMAIL, Facsimile (949) 461-3512, and HAND DELIVERY

Ms. Gayle Ackerman, Development Services Director
City of Lake Forest, Development Services Department
25550 Commercentre Drive
Lake Forest, CA 92630
gackerman@ci.lake-forest.ca.us
Fax(949) 461-3512

Dear Ms. Ackerman:

Thank you for the opportunity to comment on the adequacy and appropriateness of the *Lake Forest Opportunities Study Program Draft Environmental Impact Report (DEIR)* SCH No. 2004071039, dated January 31, 2006. We appreciate you extending the comment period to March 27, 2006 as covered by your press release dated March 8, 2006. Overall we think the zoning and land use changes are positive.

However, we believe the City of Lake Forest, as the lead agency has the responsibility to present the DEIR with an adequate amount of information and enough detailed analysis for interested parties, including public citizens, to reach informed conclusions about the Proposed Project. Listed below are our comments, questions, concerns and observations regarding the DEIR. We would appreciate clarification and feedback on these issues in writing prior to the certification of this document.

Range of Alternatives

CEQA guidelines (Section 15126.6) require that a DEIR describe reasonable alternatives to the project that could feasibly avoid or lessen any significant impacts while substantially attaining the basic project objectives. Yet, this document does not explore a reasonable range of alternatives for many of the sites included as part of the Project Area. The rationale in the DEIR for selecting potentially feasible alternatives is flawed. The basic intent with CEQA is that once the Proposed Project is accepted that there is an obligation on the part of the lead agency to come up with alternatives that reduce some of the impacts (granted an alternative may decrease some impacts but increase others so there could be tradeoffs).

Under CEQA, the project objectives are important in defining what is and is not a feasible or infeasible project alternative. The DEIR objectives are not detailed enough to define and understand the criteria used to make a determination of feasibility or infeasibility as discussed in Chapter 4. The alternatives only include a *No Action Alternative (Business/Industrial)* and a *Landowner Alternative*

(higher density) that explore different uses for Sites 1, 2, 3, 5 and 6 than the Proposed Project. Neither completely addresses the eight Project Objectives, as shown on Page xix of the Executive Summary.

By a site-specific review, the DEIR presents: a) no lower housing density alternatives for 45% of the total project acreage represented by Sites 2, 3, and 5; and b) a maximum of 1 lower density housing alternative for 100% of the Sites. Furthermore, 92% of the proposed project acreage has the same density as originally proposed in the NOP and, coincidentally, the new Landowner/Developer alternative (Alt 5). That Alternative should not be included, as it increases the project impact beyond the proposed project and is therefore not a valid project alternative as defined by CEQA.

The premise that this DEIR has presented: a) fair alternatives to the proposed project; and b) several lower density alternatives, is simply not true. It appears that the only change in densities is due, in part, to consideration of public-use facilities on specific sites and not general reduction of housing densities across all sites. While the DEIR statement (that the impacts of a lower density alternative would be similar to the impacts of the proposed project, so therefore do not need to be considered) may be true (when reviewing the new density totals for Sites 1 through 6), its validity can be questioned under closer examination of the housing densities on a site-specific basis.

Section 4.4.5 rejects as infeasible a reduced density alternative. Why was a reduced density alternative (that reduces residential development density and includes Recreation/Public/Transportation improvements to bridge the gap between the alternative rejected in that paragraph and the proposed project) not considered as a valid alternative? The fact that the alternatives analyzed increase impacts is unacceptable. It narrows the range of alternatives without due consideration of other potentially viable alternatives. Understandably, there may be projects where there are no alternatives that could reduce impacts; this is not the case in this situation.

Site	Gross Site Acreage	% of Total	Maximum Number of Units (Housing Density)							Proposed Project
			Notice of Prep. (NOP) June 7, 2004	DEIR Project Alternatives					New Alt 6	
				Existing Alt 1	New Alt 2	New Alt 3	New Alt 4	New Alt 5 Landowner Developer		
1	387	49%	2815	0	2407	2815	2815	2850	2815	2815
2	243	31%	1132	0	1132	1132	1132	1132	1132	1132
3	82	10%	833	0	833	833	833	1000	833	833
4	50	6%	475	0	475	225	0	1450	475	475
5	13	2%	54	0	75	75	75	100	75	75
6	18	2%	85	0	85	85	85	85	85	85
Totals	793	100%	5394	0	5007	5165	4940	6617	5865	5415

Sites 7 and 9 are excluded as they do not appear in the Proposed Project Table, nor the NOP or the majority of the new alternatives.

Site 1: With 49% of the total project acreage, only 1 lower density alternative is explored. A total of 3 unique densities are analyzed in the new alternatives. The density adopted in the proposed project

occurs in 60% of the alternatives, and is also the same density as the Landowner/Developer (Alt 5) alternative. This density was originally proposed in the initial NOP for this DEIR.

Site 2: With 31% of the total project acreage, no alternative densities are explored. The density adopted in the proposed project occurs in 100% of the new alternatives, and is also the same density as the Landowner/Developer (Alt 5) new alternative. This density was originally proposed in the initial NOP for this DEIR.

Site 3: With 10% of the total project acreage, no lower density alternatives are explored. Only 2 unique densities are analyzed in the new alternatives. The density adopted in the proposed project occurs in 80% of the new alternatives. This density was originally proposed in the initial NOP for this DEIR.

Site 4: With 6% of the total project acreage, only 1 lower density alternative is explored. 4 unique densities are analyzed in the new alternatives. The density adopted in the proposed project occurs in 40% of the new alternatives. This density was originally proposed in the initial NOP for this DEIR.

Site 5: With 2% of the total project acreage, no lower density alternatives are explored. Only 2 unique densities are analyzed in the new alternatives. The density adopted in the proposed project occurs in 4 (80%) of the new alternatives. This density was originally proposed in the initial NOP for this DEIR.

Site 6: With 2% of the total project acreage, no alternative densities are explored. The density adopted in the proposed project occurs in all new alternatives, and is the same density as the Landowner/Developer (Alt 5) alternative. This density was originally proposed in the initial NOP for this DEIR.

Site 7: Only 1 density is listed on 1 alternative (Alt 6). This site is excluded from any other alternative analysis and is not listed as part of the proposed project or the initial NOP for this DEIR. Based on this, it has been removed from this discussion.

Site 9: No alternative densities are explored. This site is excluded from any other alternative analysis and is not listed as part of the proposed project or the initial NOP for this DEIR. Based on this, it has been removed from this discussion.

The addition of a less intense/lower residential density alternative would seem appropriate based on the project objectives to: a) protect natural resources, b) not create greater impacts on the City's infrastructure, and c) provide carefully planned neighborhoods and adequate recreation facilities. Development and analysis of an alternative with lower density residential (less than the Proposed Project), parks and recreation (fields and facilities), or public facility uses for Sites 2, 3, and 4 (especially Site 2 north of Saddleback Ranch Road) is needed to adequately represent a reasonable range of compatible uses. While a neighborhood park is shown near El Toro Road, it does not provide enough acreage to meet a balanced recreational program for the area. Relocation of this neighborhood park to the north side of Glenn Ranch Road could provide adequate acreage for a balanced recreational program like exists at Foothill Ranch Park.

Page 3.1-1 Section 3.1.2, 3rd Paragraph states that: "the development of each planned community is designed to be compatible and form a consistent visual image." The partial proposed Site 2 development

of single-family detached and multi-family attached may be consistent with Portola Hills in product type, but the densities are not consistent with the density that abuts the site. The remainder of the mixed-use development is not compatible.

6

Whiting Ranch Wilderness Park is to the north and west. The residential areas are only to the north. The remainder is open space (aside from a SCE utility corridor to the south). The proposed housing densities on Site 2 are much more consistent (density and scale) with that of the Painted Trails development (east of El Toro Road) in the City of Mission Viejo or the Foothill Ranch development versus the adjacent development in Portola Hills. The appropriate single-family detached density for the north side of Glenn Ranch Road should be consistent with the density of homes on Millwood Road. Lower densities for Site 2 would also be more compatible with the existing site conditions/constraints that including historic landslide factors, and sensitive plant and animal species. If one of the City's objectives is to protect natural resources, why are lower intensity/density alternatives not included and evaluated? The DEIR needs to present more analysis of the impact of the Proposed Project on: a) the schools, b) site specific information, c) Whiting Ranch Wilderness Park and d) inter agency review and coordination.

7

Level of Analysis

The level of analysis of the Proposed Project regarding schools does not adequately address the potential local impacts to our community. Unfortunately, the information is "rolled up", and the DEIR does not disclose the site specific impacts of the proposed residences geographically. These impacts are very specific to the sites that make up this project (just like biological and cultural resources) and will require specific actions (absorption into existing schools, the addition of portables, new construction or re-designation of boundaries, etc.). Please fully disclose the impacts to specific schools relative to the seven sites so that the public is aware of the issues.

8

An appropriate level of detail would include current enrollment and capacities of each school similar to Table 3.12-3 plus a comparison of projected student demands based on new residences being proposed within the current boundaries of each school by project site. While we realize that SVUSD's mitigation measures are not likely to change, at least the impacts would be fully disclosed and understood.

A discussion about the District's land/facility problems at Portola Hills Elementary may be appropriate to include given the unknown longevity of that school site. Our opinion that the possibility that that school site (or part of the site) may be condemned is of concern and would have significant impact to the proposed residences on Site 2.

9

According to the DEIR, Portola Hills Elementary is already over capacity. What isn't said is that approximately half of the Portola Hills student body is in portable/temporary classrooms. This is partially caused by three permanent buildings being vacated because of safety/land movement issues as mentioned above. The student numbers generated by the Site 2 development would be significant (350 additional students would be an estimate). Where would these additional students be accommodated without providing daily bussing to other facilities outside the geographic boundaries for the Portola Hills Elementary School?

The information presented in the DEIR does not adequately address future needs locally even though the District shows an excess capacity of approximately 1,900 students. That excess is not in areas where there is a need. If busing might occur, it needs to be disclosed in this document. Site 2 students would likely need to be bused to Site 1, or some combination of existing schools within close proximity and that have excess capacity (eg. Foothill Ranch and Del Lago).

9

Wouldn't an equal level of information regarding each site be appropriate for presenting information and for analysis of alternatives? Figure 3.1-20 is a drawing or conceptual plan that graphically illustrates what will be built on Site 2. Drawings or conceptual plans of the other sites are not included in the DEIR. Stakeholders are at a disadvantage in being able to understand and visualize all of the proposals. Will the land owner/developer of Site 2 be further ahead in obtaining approvals because a conceptual layout plan was certified as a part of this DEIR? Can the other conceptual plans be incorporated?

10

Whiting Ranch Wilderness Park is a prominent feature and a tremendous resource/asset to the City of Lake Forest and the citizens of Orange County. The incremental and cumulative impacts and pressure of development on this resource needs to be analyzed and included as a part of this DEIR. The park was established in 1988 to preserve open space and wilderness areas in Orange County. Since the original dedication of approximately 1,200 acres there have been additional acquisitions of approximately 3,100 acres and there are still plans to enlarge the park to 10,000 acres with future acquisitions (Orange County Harbors, Beaches and Parks). Degradation of this wildlife area is inconsistent with the goals of the County to preserve wildlife areas and inconsistent with the City's Project Objectives and the General Plan Policies to conserve and protect natural resources. At what point do these goals and objectives help to dictate levels of unacceptable impact to a diminishing resource? What is the cumulative impact of increased light and urban runoff on Whiting Ranch Wilderness Park, (sensitive plant and animal species, waters of the U.S., etc)? How will those incremental cumulative impacts affect Whiting Ranch Wilderness Park?

11

Why are the agencies listed on Page 2-20, Section 2.8 not consulted for information during the preparation of the DEIR per Table 6-1, Page 6-1?

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Air Quality

Please revise the mitigation measure that reads "All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least two feet of freeboard..." to say "All trucks hauling dirt, sand, soil, or other loose materials are to be covered." This change would go along way to improve the air quality and quality of life for the citizens of the City of Lake Forest during construction periods at the various sites. Enforcement agencies are over committed and unlikely to adequately provide the necessary monitoring to ensure that there is two feet of clearance if trucks are not covered. The risk for potential lack of monitoring and accountability is unacceptable. A standard requirement of a cover would not leave much room for interpretation (enforcement agencies can see if a vehicle is covered from a glance).

13

Sensitive Species

Development of Site 2 into a site that is mostly residential and commercial would substantially reduce the habitat available to numerous sensitive species as defined in DEIR. The plan states that removal of sensitive plant and animal species (including the federally threatened California Coastal

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Gnatcatcher) is likely to occur. Some of that habitat is considered "high quality" habitat. These losses have a substantial adverse effect and significant impact on the natural resources.

Implementation of mitigation measures and consistency with the NCCP/HCP provisions does not adequately address the Project Objectives and the incremental impacts. Why does the development of Site 2 need to further contribute to the creation of "islands" of wildlife habitat? Why couldn't Site 2 be dedicated open space and continue to function for wildlife movement, habitat, and foraging for the Orange-troated Whiptail, Northern Red-diamond Rattlesnake, Coast Patch-nosed Snake, Twostriped Garter Snake, Cooper's Hawk, Sharp-shinned Hawk, Southern California Rufous-crowned Sparrow, Ferugious Hawk, Cactus Wren, California Horned Lark, Yellow-breasted Chat, California Coastal Gnatcatcher, Allen's Hummingbird, Least Bell's Vireo and the San Diego Desert Woodrat? Loss of habitat for these species is significant and without adequate mitigation.

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The implementation of the Proposed Project also conflicts with General Plan Policy as it relates to non NCCP covered species and resources requiring conservation and protection.

Land Use

Page 2-6, Section 2.4.2 Surrounding Land Use: To fully understand the Proposed Project it would be helpful to have a land use breakdown for the seven parcels. This could be articulated in a table format similar to Table 2-3 on page 2-9.

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Page xlii, Table ES-2, Land Use Impact 3.9-2 states the Proposed Project would not create a nuisance for adjacent properties so no mitigation is required. However, what about the incremental impact to the users and wildlife in Whiting Ranch Wilderness Park? Certainly because of this development wildlife movement would be further limited. In addition, increased residential and commercial traffic at the intersection of Glenn Ranch Road and Saddleback Ranch Road would be a daily nuisance to existing residences in Portola Hills, Santiago Canyon Estates, Hidden Ridge, and Painted Trails during morning and evening commutes.

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Page xlvii Recreation Impact 3.13-1 states the Proposed Project would not result in the increased use of parks and recreational facilities such that substantial physical deterioration of the facilities would occur or be accelerated, so no mitigation is required. That threshold of significance is not appropriate relative to the impacts to existing facilities. Essentially stating that because the overall project proposes additional parkland in excess of the City's parkland-person ratio is inadequate. The impact on existing facilities is a locality based analysis, similar to schools, and should be evaluated to determine long term impacts to community facilities.

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Foothill Ranch has a 15-acre park that serves the area. Foothill Ranch Park provides a wide variety of passive and active recreation facilities for all age groups. In contrast, the community of Portola Hills does not. While Concourse Park offers a few amenities, they are very limited. An additional 10-acres of fields, as proposed in the Proposed Project, does not adequately address the recreational needs of the existing Portola Hills community and surrounding area, nor the addition of significantly more homes. The Proposed Project increases the population by approximately 20%. This increase is substantial. The increase in the vicinity of Portola Hills is significantly more than 20%. Increased park requirements are clear. In addition, increased use of existing facilities would impact maintenance requirements. If

adequate maintenance is not provided, substantial degradation would occur. To make the statement above without a link to maintenance efforts or some quantified analysis seems inappropriate.

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While one of the Project Objectives is to protect versus enhance natural resources, enhancement could be combined with an educational recreation opportunity for the community and be consistent with the objective to provide adequate recreation facilities. The City of Lake Forest only has one small nature park and could benefit from additional diversification in this area. Policy 1.1 of the General Plan's Recreational and Resources Element is "to promote the development and maintenance of a balanced system of public and private recreational lands, facilities and programs to meet the needs of the Lake Forest population". Why is a nature park not one of the recreation categories considered to meet open space requirements?

18

Page x, Table 3.9-3 under Policy 2.1: The Proposed Project does affect the protection of natural plant and animal communities (particularly at Site 2). The mitigation measures listed do not adequately conserve and protect these resources.

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Geology and Soils Mitigation

Some Portola Hills properties have issues with land movement. For example, in close proximity to Site 2 there is currently: a) a hillside slope failure (northwest of Jasper Hill Road) that requires corrective action to stabilize the slope; b) a community pool that's requiring continual structural patches/maintenance and monitoring because one side of the pool is dropping significantly; c) there are 3 vacant buildings at Portola Hills Elementary because of settling/subsidence; d) and existing single family homes in Portola Hills that have notable visual slants, cracks or uneven walls due to land movement. In addition, there was a partial slope failure along El Toro Road that required repair during the timeframe of the Painted Trails development. None of this is mentioned in the DEIR.

The paragraph on Page 3.6-11 under landslides states that "a few parts of the uplands in the Project Area, particularly Site 2, are in state designated Seismic Hazard Zones for Landslides, in which site-specific investigations of landslide potential are required (CGS 2001)." The analysis in this DEIR needs to go above and beyond the standard fair to adequately mitigate the potential for liquefaction and landslides on Site 2. There are too many known issues in the area, and the safety and welfare of the public is at stake. Even if current design, standards are followed it's unreasonable for private citizens to incur financial hardships or face the risk of personal loss or injury because planning, design and construction were inadequate.

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Lessons learned from the Portola Hills development need to be a factor in the geological analysis for Site 2. SVUSD is unwilling to risk occupying 3 buildings based on the movement that has occurred. Certainly this is a factor that needs to be considered. There are recent geological/soils studies conducted by consulting firms at the school site that SVUSD could provide as an additional resource.

Runoff and Water Quality

Borrego, Serrano and Aliso Creek meander through Whiting Ranch Wilderness Park and are host to an abundance of wildlife (page 3.1-42, 1st paragraph). In Section 3.8-4, Mitigation Measure (MM) 3.8-1 should be used to minimize the impact and control the quality of development drainage/runoff into Waters of the U.S. or habitat areas. Currently detention/retention areas are not shown on the Conceptual

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Plan for Site 2, but could be incorporated to help mitigate the cumulative impacts to the creeks. Will native plants and drip irrigation be required in residential developments, or just in open space/common areas? If required in residential developments, who implements and monitors compliance with this MM?

Rather than remove ephemeral drainage ways on Site 2 why are there no elements within the alternatives to enhance these drainages for wetland habitat? In addition, detention basins with wetland habitat would be a great way to minimize the impacts of storm water runoff, help to minimize off-site erosion, and enhance habitat opportunities on-site that are compatible with surrounding land use. Wetland vegetation can aid in stabilizing bottom sediments and soluble pollutants. Emergent marsh plants can provide an attractive habitat for wildlife.

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Noise

Page xlili, Table ES-2, Noise Impact 3.10-1 states the mitigation requirement for construction activities relative to sensitive receptors. A mitigation measure to control the time that construction occurs for adjacent sensitive receptors would be appropriate.

Page xlili, Table ES-2, Noise Impact 3.10-2: Why are sensitive receptors not being identified and mitigated as part of this DEIR? Deferring issues that are known to exist does not seem appropriate under the circumstances. Deferring is generally prohibited under CEQA. The tiered site specific analysis should be done now so that the approving agencies can make a decision. Otherwise, unless the impact and mitigation is identified, the approving agencies do not have adequate information from which to base a decision. Appropriate analysis and mitigation should be included now, as a part of this DEIR and not deferred.

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Visual Resources

Section 3.1.2 Environmental Setting, Development Sites, 1st Paragraph: "Figure 3.1-1 through Figure 3.1-19 depicts existing conditions on each of the sites as noted." These figures do not depict "existing conditions" and the narrative does not support what is shown in the photos. Existing conditions is a broad term and encompasses many topics as witnessed in this DEIR. A more accurate statement would be that the photos depict the existing visual character of each site". The photos shown in the DEIR are primarily "FROM the sites", and not "OF the sites". To understand the future impacts of the Proposed Project, views "OF the sites" from adjacent vantage points should be considered. This needs to be the primary focus of any visual resource impact analysis and would be consistent with standard practice.

Under Site 2, the text states: "Views of the site are from Glenn Ranch Road and El Toro Road." It concludes by saying there are more distant views of the site available from Portola Parkway, SR 241 and other north-south arterials. There are many stakeholders with vantage points that have not been disclosed. What about the views from the single family homes on Millwood? What about the views from Saddleback Ranch Road? What about the views from the parking lot and trails within Whiting Ranch Wilderness Park? What about the view of the proposed park site from the residences in Painted Trails and users on the trail along El Toro Road? The stakeholders whose vantage points will be impacted by the Proposed Project have not been disclosed. The examples listed here are only associated with Site 2, but this comment applies to the other sites as well.

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While, Section 3.1.4 Methodology, describes the methodology used in the DEIR analysis, it does not analyze or identify the potential impacts. One could almost say "what analysis"? Why even show Figures 3.1-1 through 3.1-19? The methodology identifies a very broad general way to minimize the effort and avoid showing the impacts of the Proposed Project and the alternatives to the stakeholders with the vantage points. While the City may not protect private views, it could disclose the changes to those views by incorporating visual simulations from a representative sampling of off-site vantage points for each of the sites. A supportive description would help concerned citizens immensely.

Section 3.1.5 Thresholds of Significance lists those items that would be deemed a significant impact related to visual resources. The narrative describes detail about exceeding height or bulk restrictions, contrasting architectural style and building materials, screening outdoor use regulations, having an outdoor illumination of 1-1/4 foot candles from dusk to dawn, etc. How can these detailed factors be used in an evaluation without a description of the project that goes into the same level of detail?

The discussion under 3.1-3 does a good job of analyzing the light and glare impacts relative to the Proposed Project with the exception of not discussing neighborhood parks. One would need a project description of the proposed heights, architectural style, building materials etc. for each site to be part of this document, if these are the factors are to be used in the analysis. Otherwise, you would need a list of assumptions of such items to be included by site.

We assume that the visual character/architectural style/building materials will vary somewhat by site. There is no visual/ aesthetic analysis in this DEIR. It provides some documentation on the existing visual character of the sites, governing policies or guidelines, methodology description, definition of the thresholds of significance and then an explanation that there are no impacts. Where is the analysis?

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The paragraphs under Section 3.1.6 Impacts are very general descriptions of the Proposed Project. The reader is unable to visualize or interpret the Proposed Project's visual character from the descriptions. The new development on El Toro named "The Orchard" has a visual character, if one said the development of a commercial area would look similar to "The Orchard" or "The Home Depot Center or Ralph's Shopping Center" in Foothill Ranch, one would have a mental image of the proposed visual character. While the City's views of the Saddleback Mountains and Whiting Ranch Wilderness Park will not be degraded by the proposed land use changes, saying that everything will be compatible with adjacent land uses and adherence with City municipals codes etc. is not adequate enough analysis to determine the visual impacts of the Proposed Project and the Alternatives.

Figure 3.1-3, Photograph labeled "Cliffs". Clarification of the vantage point is missing. Would it be possible to add text like: "Cliffs as viewed from ____?"

Figure 3.1-5 (the top photograph of homes across in Foothill Ranch looking across Whiting Ranch) is very misleading because it shows the Foothill Ranch development being closer in proximity that it actually is, and implies a higher single family density adjacent to the property than actually exists. This photo is a zoomed image of the photograph below (the elevation of the ground from this location would not permit this view unless the ground was filled).

Section 3.1.2 Environmental Setting, Existing Viewsheds: The description of existing viewsheds is incomplete. As stated above, in an effort to simplify this discussion the DEIR has focused only on views

of the sites from current roadways and does not mention the existing views of these sites from adjacent vantage points like homeowners and businesses.

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Page 3.1-43: Will field lighting be part of neighborhood parks? If so, what is the visual impact and impact to surrounding community and wildlife?

Traffic/Intersection Impacts

The Proposed Project Objectives on Page xix under Circulation states that future development within the Project Area should facilitate improvements to intersections impacted by the project. Yet, the intersection of Glenn Ranch Road and Saddleback Ranch Road was excluded. How can improvements be included if key intersections were not evaluated? The proximity of the ingress and egress to the Site 2 areas north of Glenn Ranch Road will pose a challenge with increased vehicle volume through the intersection of Glenn Ranch Road and Saddleback Ranch Road. Improvements need to be identified in this DEIR. Glenn Ranch Road is considered a major thoroughfare for this area.

Page xlvi, Transportation and Traffic Impact 3.14-1: Why do the limits of the Traffic Study Area and the Extended Traffic Study Area exclude Saddleback Ranch Road?

Page xlvi, Transportation and Traffic Impact 3.14-4: Locally, within and adjacent to Portola Hills, vehicular parking is an issue: a) existing condominium complex parking is inadequate and tends to overflow on to the surrounding residential streets; and b) the industrial use parking on Glenn Ranch Road is increasing, as has the general vehicular traffic on Glenn Ranch Road. The City is aware of both of these issues within and adjacent to Portola Hills. However, bicycle usage has significantly increased as well. Ensuring adequate on-site parking is critical to a successful project at Site 2. If not adequately addressed, there would not only be aesthetic issues with additional parking on Glenn Ranch Road but general safety issues for pedestrians, bicyclists and motorists. The proposed mixed use development (retail below with residences above) is a new product type for both the City of Lake Forest and the Portola Hills area. What are the preventive measures being incorporated into the plan to avoid Glenn Ranch Road being utilized for overflow parking potentially caused by the Proposed Project? Consistency with the City's policies related to traffic and circulation in the General Plan Circulation Element is critical.

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Document Inconsistencies/Contradictions

Page 1-15, Table 1-1 is confusing because under The City of Lake Forest, Project LF-C says "No project-level entitlement" yet on Page 2-5, Table 2-1 the same project is shown in Table 2-1, Existing Entitlements and Allowed Development. How can it be both? In one table the site is referred to as Portola Hills South and in the other table it's called Site 2 (Portola Center). The information is confusing and contradictory.

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General Comments or Questions

Page 2-17 Section 2.5.6: What is the estimated distribution of affordable housing by site? Please show in Table 2-7. Table 2-8 is very misleading and does not make a comparison that the general public can understand or evaluate. Pages 2-19 and 20, Tables 2-8 and 2-9 need to follow the Project Objectives.

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Ms. Gayle Ackerman, Development Services Director
Lake Forest Opportunities Study Program Draft DEIR Comments
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Since fiscal stability is one of the Project Objectives, what is the economic gain of having this land use and zoning change to the landowners/developers if the benefit to the City of Lake Forest is a \$630,000 surplus over current conditions? Is this \$630,000 and annual surplus? How does this compare to the economic loss of the agricultural farmland? Why have economics not been incorporated if they are spelled out as objectives for the project? If not required under CEQA, then why is economic viability not analyzed and presented as a meaningful subject related to project approval and debate if they are an objective and can be taken into account as described in CEQA Section 15126.6?

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Page xlv, Table ES-2 Public Services Impact 3.12-2, MM 3.12-3: Mitigation actions by SVUSD have been omitted. What are they?

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Sincerely,



Ian and Amanda Morrell

Cc: Mr. Richard Dixon, Mayor
Mr. Mark Tetterer, Mayor Pro Tem
Mr. Peter Herzog, Council Member
Ms. Kathryn McCullough, Council Member
Ms. Marcia Rudolph, Council Member
Mrs. Susan Navarro-Sims, Principal - Portola Hills Elementary School
Portola Hills Elementary School Repair Committee
Portola Hills friends and neighbors

■ Response to Comments: IAMO

- RTC IAMO-1 See RTC ENHL-3.
- RTC IAMO-2 See RTC ENHL-3.
- RTC IAMO-3 See RTC ENHL-3.
- RTC IAMO-4 The PEIR for the Opportunities Study is a program EIR. The alternatives vary the density for the program as a whole, rather than for specific sites, because no site-specific significant unmitigated impacts were identified in the Draft PEIR. As noted by the commenter, two of the alternatives in the Draft PEIR reduce housing densities from the number included in the proposed project. In addition, Alternative 7, included in Chapter 7, the Recirculated Draft PEIR also includes reduction in housing density in Portola Center (Site 2). In general, the alternatives are designed to help the City's decision makers select from among the competing facilities locations, and to understand the relative impact of the alternative locations. As noted in RTC ENHL-3, the decision-makers have the option to reduce project densities, however, substantial density reductions would be required to reduce the significant unmitigatable impacts to less than significant and a revised project which accomplished this level of impact reduction would not meet the objectives of the project, since it would make provision of the desired public amenities fiscally infeasible.
- RTC IAMO-5 This comment does not accurately characterize the Project's Objectives as stated in Section 2.7 of the Draft PEIR. Most significantly, the comment does not mention that one of the Project's objectives is to ensure a "fiscally sound and stable economic base for the community" While the City can, based on subsequent project-level EIRs or negative declarations, approve lower densities that are being addressed in this program EIR, it need not at this point analyze alternatives inconsistent with all the current Project's objectives.
- It is unclear what the commenter means by a "balanced recreational program." The commenters suggestion to move the neighborhood park from near El Toro Road to the north side of Glenn Ranch Road is noted, and will be communicated to the Council.
- RTC IAMO-6 Compatibility of form, use and design, does not necessitate that the density be the same. The commenter's suggestions regarding density are noted and will be communicated to the City Council.
- RTC IAMO-7 The proposed project would increase open space in proximity to Whiting Ranch, compared to land uses under the existing General Plan as can be see by a comparison of Figures 2-3 and 2-4 in the Draft PEIR. Conceptual Plans/densities show single family dwellings north of Glen Ranch Road, but site specific planning is not yet complete. See also Response to Comment ELWA2-14.

In addition, because this is a program EIR, the consistency of densities between the individual sites covered in the EIR and existing adjacent or nearby developments is too detail-specific a matter to now be addressed. As the specifics of any site developments that may be proposed are not yet known or ascertainable, issues concerning the consistency of densities may only appropriately be addressed in project-level EIRs or negative declarations for the Opportunities Study sites.

RTC IAMO-8 Specific impacts at specific schools is difficult to predict and would depend on the buildout year of specific sites, the nature of declining enrollment, and whether or not a school is built on one of the project sites. As noted by the commenter, conclusions regarding the level of impact after mitigation would not change with this additional information. The final decision regarding the use of school mitigation fees is that of the SVUSD, and is not within the City's control.

In light of these constraints, and because this is only a Program EIR, analysis of impacts to school enrollments and capacities is too speculative for analysis at this point. To the extent that such impacts can be analyzed, such analysis would be proper only in project-level environmental documents for which specifics such as density and potential increase to school enrollments would be ascertainable.

See also RTC ELWA 2-10.

Text Change

The SVUSD's 2004 Davis Demographics and Planning report projecting student population by residence is added as Appendix N of the Final PEIR.

RTC IAMO-9 See RTC IAMO-8. In addition, no school site would be condemned as part of the project. Whether an existing school may be condemned in the future is speculative and outside the purview of the PEIR. See Topical Response 1 regarding existing conditions. The decision as to how project-generated students will be accommodated is that of the SVUSD and is not within the City's control. See also RTC COOR 14. The proposed project includes a school site. The intent is to avoid busing outside the City.

RTC IAMO-10 As explained more fully in Topical Response 2, the PEIR analyzes the project at a program level of detail. To the degree that more detailed information is available, it is included in the PEIR. Conceptual plans and site plans for the other sites are not available and have not been developed by the landowners.

RTC IAMO-11 As noted in Section 3.13.6 of the Draft PEIR, the proposed project is not anticipated to significantly impact demand for Whiting Ranch Wilderness Park facilities because each developer in the Project Area would be required to provide adequate parkland to meet the City's established standard of 5 acres of parkland per 1,000 persons. In addition, the project would result in the expansion of trail facilities in the City. With the exception of Site 2, the proposed project sites are located downstream of Whiting Ranch and thus would not affect water quality in the park. In addition, as shown in Figures 2-3 and 2-4, the proposed project would result in an increase in the open space

buffer adjacent to Whiting Ranch as a result of the redesignation of Site 2 land adjacent to Whiting Ranch as Open Space. Therefore, there is no evidence that the resource will be “diminished.”

RTC IAMO-12 The agencies listed on Page 2-20 are consulted during the preparation of the PEIR. These agencies received a Notice of Preparation for the PEIR, providing opportunity to comment on the scope of the PEIR. The Air District and School District were also contacted directly. All of the agencies were mailed copies of the Draft PEIR and provided with opportunity to comment on the analyses contained in the PEIR. Comments from these agencies along with responses are included in this response to comments Chapter of the PEIR.

RTC IAMO-13 While the City would prefer that all trucks hauling dirt be covered, the City does not have the power to regulate this type of trucking condition. Section 23114 of the California Vehicle Code regulates the covering of truck loads and specifies:

(4) Vehicles transporting loads of aggregate materials are not required to cover their loads if the load, where it contacts the sides, front, and back of the cargo container area, remains six inches from the upper edge of the container area, and if the load does not extend, at its peak, above any part of the upper edge of the cargo container area.

RTC IAMO-14 As discussed within Impact 3.4-1 and 3.4-2 of the Draft PEIR as the project is within the Central and Coastal Orange County Natural Community Conservation Plan and Habitat Conservation Plan (NCCP/HCP). The purpose of the NCCP/HCP is to create a multi-species multi-habitat reserve system and implementation of a long-term management program that will protect primarily coastal sage scrub and the species that utilize this habitat. At the same time that it protects this habitat and species, the NCCP/HCP is also intended to allow for economical use of the lands that meet the people’s needs. The NCCP/HCP provides measures to mitigate impacts to CSS and the plan’s “Covered Species” through implementation of avoidance measures and payment of mitigation fees on a per acre of vegetation removed basis. Per the signed agreement with state and federal resources agencies and the participating Cities, compliance with the provisions of the NCCP/HCP reduces these impacts to less-than-significant levels and no further mitigation is required.

Please refer to Topical Response 4 for a discussion of the adequacy of the NCCP/HCP mitigation requirements.

With respect to alternatives, as required by, and in accordance with CEQA Guidelines Section 15126.6(a), Chapter 4 of the Draft PEIR considers “a range of reasonable alternatives...which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project...there is no ironclad rule governing the nature or scope of the alternatives to be discussed other than the rule of reason.” The rule of reason requires that only those alternatives needed to permit a reasoned choice need to be analyzed in detail, and the alternatives should be limited to those that would avoid or reduce significant impacts, and only those that would feasibly meet most of the project objectives require detailed

study (CEQA Guidelines Section 15126.6(f)). Further, an EIR is not deficient if it excludes other potential alternatives from its analysis if it discusses a reasonable range of alternatives. Although the Draft PEIR does not provide an open space alternative, it does provide a reasonable range of alternatives for the purposes of CEQA; one of which was a Reduced Density Alternative that was rejected as infeasible by the City as it would not reduce the significant and unavoidable impacts of the Proposed Project to a less-than-significant level. Furthermore, the reduced density alternative, and any proposed open space alternative, would not meet the project objectives of providing recreational facilities and public amenities (Sports Complex and Civic/Community Center) or providing transportation improvements for the City, nor provide a fiscally sound and stable economic base for the community.

Lastly, as discussed in Impact 3.4-5 of the PEIR, the City of Lake Forest participates in the NCCP/HCP, which is the main measure of compliance with General Plan Policy 2.1; therefore, if the resource impacted is regulated by the NCCP/HCP, there would be no impact as the NCCP/HCP is a region-wide mitigation plan for those resources. To account for non-covered species mitigation measures MM 3.4-1 through MM 3.4-5 would be implemented as applicable, thereby allowing the City to conserve and protect natural plant and animal communities as required in General Plan Policy 2.1 (Section 3.4.10). Successful implementation of these mitigation measures is expected to allow compliance with the General Plan policies and the NCCP/HCP and reduce the level of project-related impacts to a less-than-significant level.

- RTC IAMO-15 Please see Tables 2-1, 2-3, 2-5 and 2-6 which provide the requested breakdown for the seven sites.
- RTC IAMO-16 Assessment of the specific type of open space proposed within Site 2 will be analyzed when a specific project is formally proposed for the site; please refer to Topical Response 2 for a further discussion of project vs. programmatic analysis. However, as further detailed in Impact 3.4-4, the creek areas, which are the primary areas for wildlife movement, are not currently proposed to be modified in such a way as to substantially restrict wildlife movement.
- RTC IAMO-17 The proposed project provides several kinds of recreational facilities, including a community recreation center and neighborhood parks. It is not possible to predict changes in demand for specific recreational facilities over time or how many users of existing facilities will convert to using the facilities included as part of the project. What is possible is to determine if the project helps or hinders compliance with park provision standards. Based on this, the project would not result in significant park impacts because, as a condition of any site-specific approval, the developer would have to comply with the requirements for dedication of parkland stated in Lake Forest Municipal Code Chapter 7.38. Such compliance will ensure that adequate recreational facilities are provided.
- RTC IAMO-18 This EIR is a program level document. If the project is approved, tentative tract maps and site plans will be developed for the various developments included in the Opportunities Study program. As part of this process, comments on the

programming of the parks included in the Program can be made. The focus at the program level has been on insuring adequate park capacity is included in the project.

RTC IAMO-19 Please refer to RTC IAMO-14 for a discussion of the project's compliance with General Plan Policy 2.1 and adequacy of the proposed mitigation.

RTC IAMO-20 Refer to RTC ELWA2-2.

RTC IAMO-21 The location of detention and retention basins will be determined as project-level plans are developed for the sites within the Opportunities Study area. The mitigation measures included in the PEIR are designed to ensure that adequate project-level planning will occur and that water quality standards, and runoff standards specified in the mitigation measures of by existing regulations will be met. The City will be responsible for monitoring compliance with these mitigation measures. Monitoring and implementation responsibilities are specified in the Mitigation Monitoring and Reporting Program which the City will adopt prior to any project approval.

As part of project-level design and environmental review, options such as the retention of ephemeral drainages will be explored.

RTC IAMO-22 The commenter is requesting additional mitigation to limit the hours construction activities are allowed to occur in order to address the less-than-significant noise impact to sensitive receptor during construction. The City's Noise Ordinance places limits on the hours of construction for purposes of reducing construction noise impacts to generally acceptable levels. As noted page 3.10-14, Section 11.16.020 of the Municipal Code limits the hours construction-related noise is allowed to occur the hours of 7:00 A.M. and 8:00 P.M. on Monday through Saturday, and prohibits construction-related noise on Sundays and federal holidays.

The commenter is noting that sensitive receptors are not identified and mitigated as part of the Draft PEIR. The mitigation measures are designed to ensure that construction in the vicinity of sensitive receptors meets standards designed to ensure that impacts are less than significant. The location of sensitive receptors may change over time. Full buildout of the project will occur over time, with different sites being developed at different times. The mitigation measures will be applied based on conditions at the time site specific development plans are being reviewed, based on identification of sensitive receptors present at that point in time.

RTC IAMO-23 Views of the sites as well as views from the sites are described in on pages 3.1-42 and a variety of these views are depicted in the photos in Chapter 3.1. As noted in section 3.1.4 on Page 3.1-46, General Plan policies focus on quality design, enhanced physical attributes, and visual compatibility. The Lake Forest General Plan and other City policies do not protect private views. Therefore, this analysis focuses on views from scenic highways and arterial streets and visual compatibility among existing and proposed uses. Saddleback Ranch Road is not an arterial roadway.

Comments about photographs noted.

The commenter asks questions relating to specific architectural details and design/facilities to be found in neighborhood parks. This information is evaluated at a program level of detail, site-specific analyses will be conducted, as appropriate, as additional information is available and tiered environmental documents are prepared. See Topical about program versus project level.

RTC IAMO-24 See Topical Responses 7 and 9 which explain that the intersection of Glenn Ranch Road and Saddleback Ranch Road will not be impacted, as future volumes will be less under the proposed project than the existing General Plan. In addition, intersections in these areas will be evaluated as part of the site-specific review of any of the individual development projects on the seven sites, which might affect this area.

As noted in Topical Responses and RTC ELWA-18, the traffic study included all areas where the project would increase traffic by one percent compared to General Plan levels. General Plan levels have received prior environmental review as part of the EIR for the General Plan.

Parking issues will be addressed as part of the environmental analysis of specific development projects. The Planned Community Text for the Portola Center development will require compliance with zoning code requirements aimed at ensuring adequate on-site parking.

RTC IAMO-25 Table 1-1 indicates that the Portola Hills Planned Community does not yet have project-level entitlements. It does have plan-level (i.e. General Plan and zoning level) entitlements (allowable development). Both Table 1-1 and 2-1 list the maximum development potential for this Planned Community, under the existing plan-level entitlements.

The reference in Table 1-1 to “Portola Hills South” is the existing entitlement for business park and commercial uses. The name given to the current proposal for residential uses is “Portola Center”. The commenter is confusing the purposes of the two tables. Table 1-1 and 2-1 both consistently list the current general plan entitlements for Site 2.

RTC IAMO-26 A percentage of the housing units to be developed under the Proposed Project would be required to be affordable, pursuant to an Affordable Housing Implementation Plan (AHIP) as part of the Development Agreement. Project-level AHIPs have not been developed yet, however, the City’s General Plan Housing Element includes the following policy:

Policy 1.10: Encourage residential developments to incorporate a minimum of 15 percent affordable units.

Text Change

The following change will be made in the text of the PEIR:

Tables 2-8 and 2-9 have will be moved to page 2-20, following the project objectives.

RTC IAMO-27 Environmental factors are only one of the things decision-makers consider in deciding whether to approve a project. The EIR is the mechanism for providing information about the environmental consequences of the project. CEQA Guidelines Section 15126.6 specifies the requirements a Lead Agency must follow when analyzing alternatives to the proposed project. Economic feasibility is mentioned as a potential consideration at 15126.6(f)(1), however it is also noted that these factors do not establish a limit on the scope of alternatives. Fiscal stability is included as a project objective and is therefore used as a screening factor for potential alternatives. However, CEQA does not consider economic or fiscal impacts to be environmental impacts and they are, therefore, not analyzed in the Draft PEIR.

See also RTC GRFO-16.

RTC IAMO-28 Specific school mitigation measures are not specified in the summary table for two reasons: (1) the SVUSD, rather than the City has both the power and authority for determining how school impact mitigation fees will be spent, and (2) as specified in Government Code Section 65995(h):

(h) The payment or satisfaction of a fee, charge, or other requirement levied or imposed pursuant to Section 17620 of the Education Code in the amount specified in Section 65995 and, if applicable, any amounts specified in Section 65995.5 or 65995.7 are hereby deemed to be full and complete mitigation of the impacts of any legislative or adjudicative act, or both, involving, but not limited to, the planning, use, or development of real property, or any change in governmental organization or reorganization as defined in Section 56021 or 56073, on the provision of adequate school facilities.

Both the PEIR (Mitigation Measure 3.12-3) and State law required the payment of these statutory fees to mitigate school impacts. This is the minimum required for schools as part of the project, and as specified in State law, constitutes full mitigation.

Should the landowners and SVUSD complete a school mitigation agreement, it would provide for expenditure of the State-imposed school mitigation fee, locally. Any payment of fees in excess of the State mandated amount included in the agreement would constitute an additional public benefit of the project. Please see Topical Responses 7 and 8 which discuss school mitigation and the school mitigation agreement.

JAAL

RECEIVED

MAR 07 2006

CITY OF LAKE FOREST
DEVELOPMENT SERVICES DEPT

Gayle Ackerman AICP
Director of Developmental Services City of Lake Forest.

Dear Ms. Ackerman,

I am James Albers, the homeowner at 22101 Windward Way, Lake Forest .

I have reviewed the Traffic Noise Levels and Noise Contours, of the Opportunities Study Appendix H.

I believe the study to be inadequate and detrimental to existing property owners. The assumption, in the noise level , that the affected properties are at least 100 feet from the centerline of the street is in error, The exterior wall of my home is within 75 feet of the centerline of Lake Forest Drive.

1

The sound sample that was taken at the intersection of Trabuco and Lake Forest, on November 30,2004, at 5:20 PM was only 15 minutes long, and after normal working hours

The Assessment of Traffic Noise in the Lake Forest, prepared by, Mestre Greve Associates, in 1989, for the County of Orange, Environmental Management, establishes a CNEL of 64.4 at 22111 Windward Way .

Mr. Robert Woodings, Director of Public Works /City Engineer, City of Lake Forest, in his letter of March 1 2005 states that after reviewing the 1976 and the 1989 , that the exterior noise from traffic remains within acceptable community standards.

2

The computer projections of the traffic noise based, on fifteen minutes of test after normal working hours, and with the assumption that all affected property is at least 100 feet from the centerline, an erroneous assumption , cannot be relied upon . That computer program is making the assumptions is evident, in the fact that the mix of heavy and medium trucks is exactly the same for every street in the report.

I request that before the zoning is changed , the developer fund a complete traffic noise study using continuous monitoring stations not data sampling and computer modeling. If any of these areas should exceed a CNEL of 65 the developer should provide funding for mitigation before the zoning is changed.

Regards

James Albers

22101 Windward Way
Lake Forest Ca 92630

■ **Response to Comments: JAAL**

- RTC JAAL-1 Please see note (a) to Table 3.10-4 on page 3.10-8 of the Draft PEIR which states: “Distances are in feet from roadway centerline. The identified noise level at 100 feet from the roadway centerline is for reference purposes only as a point from which to calculate the noise contour distances. It does not reflect an actual building location or potential impact location.
- RTC JAAL-2 The Draft PEIR is a program level document. Project-specific analysis will be conducted as part of the environmental review of specific development proposals within the Opportunities Study area. See Mitigation Measure 3.10-2.

JAMA

Ackerman, Gayle

From: JMACY92630@aol.com
Sent: Tuesday, March 21, 2006 8:57 PM
To: Opportunities_Info
Subject: Draft EIR Comment Card

Ms. Gayle Ackerman Development Services Director
 Development Services Department City of Lake Forest
 25550 Commercentre Drive
 Lake Forest, CA 92630

Re: City of Lake Forest Opportunities Study Program Draft Environmental Impact Report, State Clearinghouse No. 2004071039

Dear Ms. Ackerman:

From: Citrus Lane Home Owners Association

Please accept this letter as commentary regarding the Draft Environmental Impact Report ("DEIR") prepared by the City of Lake Forest ("City") on the Opportunities Study Program (the "Project").

We represent the Citrus Lane Home Owners Association ("CLHOA"), a 99 resident HOA that owns property bordering Serrano Creek down stream of Section 7, upstream of Trabuco Road. Our primary goal at this time is to ensure that the City supports us in our efforts to stop the erosion of Serrano Creek and encourage the County to address the issue. At this time, we are experiencing severe erosion problems of our property and potentially endangering our homes. As we understand it, this area was not significantly studied as part of the impacted area of Serrano Creek and is designated as open area in the study. Unfortunately, the baseline analysis, project impact analysis and cumulative impact analysis in the DEIR regarding Serrano Creek is so inadequate as to require re-circulation of the DEIR. The assumption that the Project impacts on Serrano Creek can be mitigated to a level of insignificance is not supported by the evidence. The City must develop and impose a long-term mitigation strategy that will substantially reduce the environmental impacts of the Project and that will address the serious public health and safety risks created by the erosion problems in Serrano Creek. **Recently a local child was trapped in this area behind our homes and unable to climb out on his own. Fortunately, his cries were heard and he was rescued unharmed. At this point in time, the erosion is so severe that Serrano Creek is currently undercutting the land bordering our homes creating areas that are subject to wash out even without any storm conditions.**

As you know, Foothill Ranch was developed in the headwaters of Serrano Creek in the late 1980s and early 1990s. Prior to the development of Foothill Ranch, Serrano Creek had been stable for decades if not longer. But massive and destructive erosion has struck in every rainy season since the development of Foothill Ranch and the later development of the regional transportation facility changed the volume, velocity and timing of storm water flows into Serrano Creek.

In the winter of 1991-1992, heavy winter rains caused substantial erosion in the Serrano Creek. It was later estimated that thousands of cubic yards of soil were eroded out of the bed and banks of Serrano Creek and carried down toward Upper Newport Bay. Downstream of Trabuco Road the erosion

exposed and broke a sewer line. The Federal Emergency Management Agency (FEMA) provided over \$62,000 to the County of Orange to fund protective measures. The Los Alisos Water District spent about \$85,000 to repair its broken sewer line. In the report accompanying the grant, FEMA noted that Serrano Creek would require major preventive hazard mitigation repairs. Neither the County nor the City undertook such repairs.

The City's own hydrology consultant, Stanley W. Trimble, in his Spring 1992 report, noted that the Serrano Creek profile demonstrated a loss of 204 square feet per year, resulting in a net rate of change of over 48,000 tons per year per mile as a result of that one winter storm season. In Trimble's Spring 1993 report, he noted that Borrego Canyon Wash and Serrano Creek should both be characterized as Urbanized Major Tributaries With Steeper Gradients. He reported that upstream urbanization had the effect of increasing storm flows. With steeper gradients in these stream courses than other streams within Trimble's study area, Borrego and Serrano were subject to very high rates of erosion. Trimble concluded that reaches of Serrano Creek, including where Citrus Lane is located, were eroding rapidly and that this condition should be expected to grow worse as urbanization continues.

In 1993, Serrano Creek sustained additional damage from storm flows. As a result, FEMA provided the City over \$620,000 for construction of channel bank protection measures, including the placement of rip-rap and grading of the channel slopes and bottom. One homeowners' association along Serrano Creek upstream of Trabuco Road spent about \$100,000 responding to the erosion of the 1992 and 1993 winter storms.

Before the City could even perform the repairs funded by FEMA in response to the 1993 storms, the 1995 winter storms damaged Serrano Creek severely downstream of Trabuco Road. Various parties engaged in a series of preventive measures, including the construction of a bench to protect homeowners, the placement of rock to protect a slope and other repairs to preclude damage to a 66-inch water main, Trabuco Road bridge, an access road and private property. The total cost of this repair work was in excess of \$500,000.

In the winter of 1997-1998, Southern California experienced major El Nino storms. Trimble's Fall 1998 report noted severe erosion in Serrano Creek with a 3 to 5 foot degradation of the channel and unstable vertical banks. Trimble's follow-up Spring 2001 report found that the Serrano Creek channel cross-section upstream of Trabuco Road doubled as a result of the El Nino storms, from 780 square feet to 1,765 square feet. Trimble calculated that about one mile of Serrano Creek was similarly affected, resulting in erosion of 5 million cubic feet, or about 115 acre-feet of soil. Trimble went on to note that Serrano Creek had been stable for decades and was destabilized only after urban development occurred upstream. "There are probably few clearer instances anywhere of a causal relationship between rapid, extensive urbanization and rapid, severe channel erosion." In Trimble's November 2004 report, he noted that earlier storms equal to those of 1997-1998 had failed to destabilize the channel.

Following the conclusion of the 1997-1998 storm season, the County and the Flood Control District obtained the "Serrano Creek Evaluation: Trabuco Road to Foothill Transportation Corridor" from PBS&J. The report found that the 40 foot high vertical banks created by the erosion created a substantial risk of personal injury and posed a significant threat of property damage if erosion continued. The report found that erosion would continue along this stretch of Serrano Creek unless

grouted rock were installed to stabilize the slope. The report concluded by recommending the placement of a substantial amount of grouted rock stabilizer in the bed of Serrano Creek. Erosion continues to be a problem. Significant amounts of slumping and sliding off the banks of Serrano Creek occurred in 2005, exposing prior mitigation work to the risk of catastrophic failure.

The DEIR fails to discuss adequately the history and causes of erosion in Serrano Creek and the current baseline condition in Serrano Creek. An adequate baseline analysis would at a minimum include the prior discussion of the history of erosion within Serrano Creek.

The lack of an adequate baseline analysis prevents the City from adequately analyzing the impacts of the Project. Under the existing baseline condition, discharges from the properties making up the Project are causing significant environmental impacts. In order for the City to conclude that development of these parcels will have less than a significant impact, the City needs a lot more evidence than is set forth in the DEIR.

In the context of the existing baseline condition, where erosion occurs in every rainy season, the ability of the City to impose parcel-specific performance standards that will lessen storm water impacts of the Project below a level of significance cannot be assumed. The City needs a detailed hydrologic study of the causes of erosion in Serrano Creek. The City needs a detailed, site-specific study of the contribution of each parcel included in the Project to the storm flows which cause erosion in Serrano Creek. Only with that information can the City determine whether it is possible for the landowner of each parcel included in the Project to build large enough detention basins so as to be able to release storm flows to Serrano Creek in a manner which does not worsen an already significant environmental impact.

As an association representing homeowners along Serrano Creek, we believe that the Project represents a significant opportunity for the City and the County to settle their differences and develop a real mitigation plan for Serrano Creek. The risk of loss of life and major property damage is too high for our government to continue to ignore this problem.

Sincerely,

Janet Macy, President (949) 458-9614
Citrus Lane Homeowners Association
Lake Forest, CA

■ Response to Comments: JAMA

RTC JAMA-1 Issues pertaining to erosion and drainage at Serrano Creek and other local areas are addressed in Chapter 3.6 – Geology, Soils, and Mineral Resources and Chapter 3.8 – Hydrology and Water Quality. Specifically, Impact 3.6-5 in the Geology and Soils Chapter discusses the loss of topsoil and erosion caused by the proposed project. This impact would be considered less than significant after compliance with all applicable regulations as listed in the Planning and Regulatory Framework section (3.6.3). Impacts 3.8-1 and 3.8-4 in the Hydrology and Water Quality chapter both discuss the increased runoff and water quality issues caused by the proposed project. The impact to increased runoff would be considered less than significant with implementation of specified mitigation measures and the impact to water quality would be considered significant and unavoidable. It should be noted that Stanley W. Trimble prepared the hydrology studies included in Appendix M for the County of Orange, not the City of Lake Forest.

For a discussion of baseline conditions used in the Draft PEIR please see Topical Response 1 – Environmental Setting and Baseline Conditions. The Draft PEIR provides only the information necessary to provide an understanding of baseline conditions and then addresses the potential impacts of the project.

Please see Topical Response 5 which addresses existing hydrological conditions and Topical Response 6 which addresses Serrano and Aliso Creeks.

Your comment will be included in the Final PEIR and provided to the decision-makers for review and consideration during their deliberations of whether or not to approve the Proposed Project.

JAMO

Autumnwood Homeowners Association

c/o TSG Independent Property Management Company
27129 Calle Arroyo, Suite 1802
San Juan Capistrano, CA 92675

March 28, 2006

VIA E-MAIL (Opportunities_Info@ci.lake-forest.ca.us)
AND FIRST-CLASS MAIL

Gayle Ackerman, AICP
Director of Development Services
Development Services Department
City of Lake Forest
25550 Commercentre Drive, Suite 100
Lake Forest, CA 92630

Re: City of Lake Forest Opportunities Study Program Draft Environmental Impact
Report, State Clearinghouse No. 2004071039

Dear Ms. Ackerman:

The Autumnwood Homeowners Association ("Autumnwood") appreciates the opportunity to comment on the Draft Environmental Impact Report ("DEIR") prepared by the City of Lake Forest ("City") on the Opportunities Study Program (the "Project"). Autumnwood is committed to work with the City on the resolution of the erosion problems that the Project will generate in Serrano Creek.

Summary of Comments

Autumnwood is a homeowners' association duly constituted under California law representing a planned unit development of sixty-three homes between Canada Road and Serrano Creek in the City of lake Forest.

Autumnwood takes no position on the merits of the Project. However, the baseline analysis, project impact analysis and cumulative impact analysis in the DEIR regarding Serrano Creek is so inadequate as to require recirculation of a new DEIR prior to its consideration by the City. The assumption that the Project impacts on Serrano Creek can be mitigated to a level of insignificance is not supported by any evidence in the DEIR. Autumnwood recommends that the City must develop and impose a long-term mitigation strategy that will substantially reduce the environmental impacts of the Project and that will address the serious public health and safety risks created by the erosion problems in Serrano Creek.

Gayle Ackerman, AICP
March 28, 2006
Page 2

History of Development and Erosion Along Serrano Creek

The Autumnwood community was completed in 1980. One parcel, Assessor's Parcel No. 104-132-64 (the "Creek Parcel"), was deeded to Autumnwood as community open space. The bed of Serrano Creek at the time was located within the Creek Parcel and was only a few feet below adjacent land. A site visit will reveal that the bed of Serrano Creek is now 40 feet below adjacent land, with vertical and rapidly eroding banks. The bed of Serrano Creek has consumed virtually all of the Creek Parcel and it is now eating into the back yards of the 21 homes in the community that border the creek.

Foothill Ranch was developed upstream of Autumnwood in the late 1980s and early 1990s. Prior to the development of Foothill Ranch, Serrano Creek had been stable for decades if not longer. But massive and destructive erosion has struck in every rainy season since the development of Foothill Ranch and the later development of the regional transportation facility changed the volume, velocity and timing of storm water flows into Serrano Creek.

In the winter of 1991-1992, heavy winter rains caused substantial erosion in the Serrano Creek. It was later estimated that in that one storm, approximately 9,000 cubic yards of soil are eroded out of the Creek Parcel and carried down toward Upper Newport Bay. Autumnwood requested that the County pay for the cost of repair, but the County refused on the grounds that the Creek Parcel was private property. In the 1992-1993 winter season, Serrano Creek sustained additional damage from storm flows. Repairs from those two storm seasons cost the Autumnwood community about \$100,000.

The City's own hydrology consultant, Stanley W. Trimble, in his Spring 1992 report, noted that the Serrano Creek profile demonstrated a loss of 204 square feet per year, resulting in a net rate of change of over 48,000 tons per year per mile as a result of that one winter storm season. In Trimble's Spring 1993 report, he noted that Borrego Canyon Wash and Serrano Creek should both be characterized as Urbanized Major Tributaries With Steeper Gradients. He reported that upstream urbanization had the effect of increasing storm flows. With steeper gradients in these stream courses than other streams within Trimble's study area, Borrego and Serrano were subject to very high rates of erosion. Trimble concluded that reaches of Serrano Creek, including where Autumnwood is located, were eroding rapidly and that this condition should be expected to grow worse as urbanization continues.

In the winter of 1997-1998, Southern California experienced major El Nino storms. When these rains struck, Autumnwood had just finished paying for the work done to correct the damage from the 1991-1992 floods. The storms washed about 30,000 cubic yards of soil from the bed and banks of Serrano Creek within the Creek Parcel.

Gayle Ackerman, AICP
March 28, 2006
Page 3

Trimble's Fall 1998 report noted severe erosion in Serrano Creek with a 3 to 5 foot degradation of the channel and unstable vertical banks. Trimble's Spring 2001 report found that the Serrano Creek channel cross-section by Autumnwood doubled as a result of the El Nino storms, from 780 square feet to 1,765 square feet. Trimble calculated that about one mile of Serrano Creek was similarly affected, resulting in erosion of 5 million cubic feet, or about 115 acre-feet of soil. Trimble went on to note that Serrano Creek had been stable for decades and was destabilized only after urban development occurred upstream. "There are probably few clearer instances anywhere of a causal relationship between rapid, extensive urbanization and rapid, severe channel erosion." In Trimble's November 2004 report, he noted that earlier storms equal to those of 1997-1998 had failed to destabilize the channel.

Following severe erosion during the 1997-1998 El Nino storms, Autumnwood contracted with a local equipment operator who, along with Autumnwood volunteers, undertook efforts to shore up the creek bank of its common area parcel, and to protect individuals' houses which abut the common area parcel. Autumnwood's efforts fell short of the demands of mother nature and the U.S. Environmental Protection Agency ("EPA"). A regulatory nightmare ensued, culminating in November of 2000, when the EPA filed an Administrative Order against Autumnwood, and threatened civil and criminal proceedings if Autumnwood proceeded to shore up the creek bank without the permits EPA said were required. EPA's Administrative Order was accompanied by a Cease and Desist Order issued by the U.S. Army Corps of Engineers.

The cost and effort to complete the required work in the manner desired by the agencies was beyond the reach of Autumnwood's 63 members. Not only were the agency demands beyond Autumnwood's ability to meet, the agreed-to fixes were not permanent.

Generously, and in the spirit of public interest, the Irvine Ranch Water District, the Serrano Creek Conservancy, the County and the City joined forces to undertake the required interim remedy. They designed an interim fix, obtained permits and removed the fill material and installed the limited flood protection. In addition, they negotiated environmental mitigation measures which were required by the regulatory agencies. This was all done on Autumnwood's behalf. Additionally, the Serrano Creek Conservancy assisted Autumnwood by becoming a co-permittee on Autumnwood's permits.

The interim stabilization and mitigation project included the following elements: (a) removal of the fill in the creek bed placed by Autumnwood without permits; (b) widening of the creek bed; (c) placement of approximately 450 linear feet of ungrouted rock rip-rap below the toe of the slope; (d) grading of the stream bank to a 1.5-to-2 foot horizontal to 1-foot vertical slope; and (e) planting of the slope and rip-rap. Autumnwood engaged a mitigation specialist to ensure the viability of the habitat. In 2005, Amy Miller of the EPA inspected the 2002 site and said there was only one year of mitigation monitoring remaining. With the exception of the

Gayle Ackerman, AICP
 March 28, 2006
 Page 4

remaining mitigation monitoring, the work has been completed. The total cost of the interim stabilization and mitigation project exceeded \$500,000.

Also following the conclusion of the 1997-1998 storm season, the County and the Flood Control District obtained the "Serrano Creek Evaluation: Trabuco Road to Foothill Transportation Corridor" from PBS&J, a highly-reputed engineering firm. The report found that the 40 foot high vertical banks created by the erosion along Autumnwood created a substantial risk of personal injury and posed a threat of property damage if erosion continued. The report found that erosion would continue along this stretch of Serrano Creek unless grouted rock were installed to stabilize the slope. The report concluded by recommending the placement of grouted rock stabilizer in the bed of Serrano Creek adjacent to and downstream of Autumnwood.

Today, the habitat mitigation aspects are in good shape. The Serrano Creek Conservancy, the U.S. Army Corps of Engineers, the Department of Fish and Game, and the EPA all appear to be satisfied with the progress of the restoration of the creek area.

However, Autumnwood is facing a new erosion problem. In March 2005, new soil erosion and sloughing was discovered. Since that time, the County has been trying to put together a joint agency emergency fix for this latest erosion, to stabilize for this winter's rains.

Inadequacies of the DEIR

These erosion problems have increased in part because of upstream development in the watershed. This problem will not go away and the DEIR proposes no mitigation to solve the problems new development will cause. As more development occurs, and as the urban runoff increases, its quality changes, and as it accelerates in velocity, more erosion will surely follow, with more sediment entering into the Newport Bay area.

The DEIR fails to discuss adequately the history and causes of erosion in Serrano Creek and the current baseline condition in Serrano Creek. An adequate baseline analysis would at a minimum include the prior discussion of the history of erosion within Serrano Creek.

The lack of an adequate baseline analysis prevents the City from adequately analyzing the impacts of the Project. Under the existing baseline condition, discharges from the properties making up the Project are causing significant environmental impacts. In order for the City to conclude that development of these parcels will have less than a significant impact, the City needs a lot more evidence than is set forth in the DEIR.

In the context of the existing baseline condition, where erosion occurs in every rainy season, the ability of the City to impose parcel-specific performance standards that will lessen storm water impacts of the Project below a level of significance cannot be assumed. The City

2

Gayle Ackerman, AICP
March 28, 2006
Page 5

needs a detailed hydrologic study of the causes of erosion in Serrano Creek. The City needs a detailed, site-specific study of the contribution of each parcel included in the Project to the storm flows which cause erosion in Serrano Creek. Only with that information can the City determine whether it is possible for the landowner of each parcel included in the Project to build large enough detention basins so as to be able to release storm flows to Serrano Creek in a manner which does not worsen an already significant environmental impact.

2

Conclusion

Clearly, recent urbanization has had a costly negative impact on property within and adjacent to Serrano Creek. Adjacent property owners to Serrano Creek have suffered from loss of private property and costly repairs that far exceed available resources. Furthermore, taxpayers have been put in the position of expending limited tax dollars on projects to provide a series of remedies to fix the resulting impact from the loss of soils from Serrano Creek. These significant expenditures end up only being temporary fixes until there is an adequate mitigation framework established to control erosion within Serrano Creek. The public cannot afford not to adequately address the impact of further urbanization. This is clearly the responsibility of the City we reside within.

3

Autumnwood is available to meet with the City and development proponents to address the establishment of a mitigation framework so that the matter of erosion control in Serrano Creek can be addressed.

Sincerely,

AUTUMNWOOD HOMEOWNERS
ASSOCIATION


James Moreland, Director

cc: Law Offices of Susan M. Trager

■ Response to Comments: JAMO

RTC JAMO-1 Please see Topical Response 5 which addresses existing hydrological conditions and Topical Response 6 which addresses Serrano and Aliso Creeks and Borrego Canyon Wash. It should be noted that Stanley W. Trimble prepared the hydrology studies included in Appendix M for the County of Orange, not the City of Lake Forest.

The remainder of this comment provides background information on the history of Serrano Creek, and is not a direct comment on the content or adequacy of the Draft EIR. This comment is acknowledged, and the opinion of the commenter will be provided to the decision-makers for review and consideration during their deliberations of whether or not to approve the Proposed Project.

RTC JAMO-2 Please see Topical Response 5 which addresses existing hydrological conditions and Topical Response 6 which addresses Serrano and Aliso Creeks.

Additionally, please refer to Topical Response 1 regarding Environmental Setting/Baseline Conditions for a detailed discussion describing the adequacy of the Draft PEIR baseline analysis.

In addition, as discussed under Topical Response 2, the current Draft PEIR was written as a program-level document and intended to provide a general, programmatic analysis of the potential impacts of the current proposed actions (i.e., General Plan Amendment and Zone Change). The intent is that subsequent project-level CEQA analyses (EIRs or Mitigated Negative Declarations) will be conducted in the future when specific projects (i.e., tentative tract maps) are proposed for any of the sites identified in the Draft PEIR. The future project-level CEQA documents will require (as does the PEIR as a general framework) the Applicants to implement adequate mitigation measures to reduce potential impacts to hydrology and water quality (as well as other environmental issue areas). Thus, the associated improvements (mitigation measures) would be borne at the expense of the developers, not existing residents. This comment is acknowledged, and the opinion of the commenter will be provided to the decision-makers for review and consideration during their deliberations of whether or not to approve the Proposed Project.

RTC JAMO-3 Your comment will be included in the Final PEIR and provided to the decision-makers for review and consideration during their deliberations of whether or not to approve the Proposed Project.

JATI

45

Ackerman, Gayle

From: Janice Tillmans [JTillmans@akmce.com]
Sent: Thursday, March 16, 2006 12:56 PM
To: Opportunities_Info
Cc: JMACY92830@aol.com
Subject: Drainage into Serrano Creek

I am a resident of the City of Lake Forest and attended the Open House last night.

Didn't get all the answers I needed regarding Serrano Creek drainage. Could you please direct me to the pages in the EIR that addresses drainage from this development that will go into Serrano Creek.] 1

Thank you for you immediate assistance

Janice Tillmans
25601 Orchard Rim
Lake Forest CA 92630
949-753-7333 (daytime - work)
949-951-7930 (evening - home)

■ **Response to Comments: JATI**

RTC JATI-1 Please see Section 3.8 of the Draft PEIR which addresses drainage and hydrology. Please see Topical Response 5 regarding the existing impaired hydrological conditions and Topical Response 6 regarding Serrano Creek.

JAT12

44

Ackerman, Gayle

From: Janice Tillmans [JTillmans@akmce.com]
Sent: Thursday, March 16, 2006 4:34 PM
To: Opportunities_Info
Subject: RE: Drainage into Serrano Creek

Gayle,

Thank you for your assistance.

Regarding Figure 3.8-2 FEMA Q3 Floodplan - This map does not show my area, which is directly south of the Figure.

I will need "Panel 0318" which was not included in the EIR.

Please e-mail, or mail this map to me as soon as possible.

Thank you.

Janice Tillmans
25601 Orchard Rim
Lake Forest CA 92630
949-753-7333 (daytime - work)
949-951-7930 (evening - home)

From: Opportunities_Info [mailto:Opportunities_Info@ci.lake-forest.ca.us]
Sent: Thursday, March 16, 2006 2:41 PM
To: Janice Tillmans
Subject: RE: Drainage into Serrano Creek

Dear Janice-
The drainage information in the EIR begins on Page 3.8-1.
Gayle Ackerman

-----Original Message-----
From: Janice Tillmans [mailto:JTillmans@akmce.com]
Sent: Thursday, March 16, 2006 12:56 PM
To: Opportunities_Info
Cc: JMACY92630@aol.com
Subject: Drainage into Serrano Creek

I am a resident of the City of Lake Forest and attended the Open House last night.

Didn't get all the answers I needed regarding Serrano Creek drainage. Could you please direct me to the pages in the EIR that addresses drainage from this development that will go into Serrano Creek.

Thank you for your immediate assistance

Janice Tillmans
25601 Orchard Rim
Lake Forest CA 92630
949-753-7333 (daytime - work)
949-951-7930 (evening - home)

■ **Response to Comments: JATI2**

RTC JATI2-1 The request for FEMA information is not a comment on the Draft PEIR. A separate response will be given.

JAT13

57
Ackerman, Gayle

From: Janice Tillmans [JTillmans@akmce.com]
Sent: Monday, March 20, 2006 1:09 PM
To: Opportunities_Info
Cc: JMACY92630@aol.com; Bob T (Bob T)
Subject: RE: Drainage into Serrano Creek

Thank you for your assistance. The reason for the request is as follows:

Our home backs up against Serrano Creek and we are very concerned about the amount drainage and run-off that will impact the creek. Apparently 5 of the 7 proposed sites will have drainage into Serrano Creek. Right now we have an erosion problem on the banks that could affect our home and other homes along the creek in Lake Forest. The County is responsible for fixing this, however, I would hope the City of Lake Forest would take existing homes and their residents into consideration prior to doing any NEW building.

Any additional information you can provide would be appreciated.

Sincerely,

Janice Tillmans
 25601 Orchard Rim
 Lake Forest CA 92630
 949-753-7333 (daytime - work)
 949-951-7930 (evening - home)

From: Opportunities_Info [mailto:Opportunities_Info@ci.lake-forest.ca.us]
Sent: Monday, March 20, 2006 12:51 PM
To: Janice Tillmans
Subject: RE: Drainage into Serrano Creek

Janice- I copied three panels that cover Serrano Creek from Dimension Drive south to Via del Rio. Let me know if you need any additional information. They will be in the mail today.

Gayle Ackerman

-----Original Message-----

From: Janice Tillmans [mailto:JTillmans@akmce.com]
Sent: Thursday, March 16, 2006 4:34 PM
To: Opportunities_Info
Subject: RE: Drainage into Serrano Creek

Gayle,

Thank you for your assistance.

Regarding Figure 3.8-2 FEMA Q3 Floodplan - This map does not show my area, which is

directly south of the Figure.

I will need "Panel 0318" which was not included in the EIR.

Please e-mail, or mail this map to me as soon as possible.

Thank you.

Janice Tillmans
25601 Orchard Rim
Lake Forest CA 92630
949-753-7333 (daytime - work)
949-951-7930 (evening - home)

From: Opportunities_Info [mailto:Opportunities_Info@ci.lake-forest.ca.us]
Sent: Thursday, March 16, 2006 2:41 PM
To: Janice Tillmans
Subject: RE: Drainage into Serrano Creek

Dear Janice-
The drainage information in the EIR begins on Page 3.8-1.
Gayle Ackerman

-----Original Message-----

From: Janice Tillmans [mailto:JTillmans@akmce.com]
Sent: Thursday, March 16, 2006 12:56 PM
To: Opportunities_Info
Cc: JMACY92630@aol.com
Subject: Drainage into Serrano Creek

I am a resident of the City of Lake Forest and attended the Open House last night.

Didn't get all the answers I needed regarding Serrano Creek drainage. Could you please direct me to the pages in the EIR that addresses drainage from this development that will go into Serrano Creek.

Thank you for your immediate assistance

Janice Tillmans
25601 Orchard Rim
Lake Forest CA 92630

949-753-7333 (daytime - work)
949-951-7930 (evening - home)

■ Response to Comments: JATI3

RTC JATI3-1 However, there have been a total of five (5) letters received from Janice Tillmans and all are included in this Response to Comments chapter.

Please see Topical Response 5 regarding the existing impaired hydrological conditions and Topical Response 6 regarding Serrano Creek.

JATI4

Ackerman, Gayle

From: Janice Tillmans [JTillmans@akmce.com]
Sent: Monday, March 20, 2006 4:14 PM
To: Opportunities_Info
Subject: RE: Drainage into Serrano Creek

Gayle,

Would like to receive financial information on what the cost was for the City to move City Hall to its present location. Would like to get the amount the City was paying in rent at the old location, and the City's present rent.] 1

Also, what costs were incurred for "renovating" to the present City Hall site.

Thanks!

Janice

From: Opportunities_Info [mailto:Opportunities_Info@ci.lake-forest.ca.us]
Sent: Monday, March 20, 2006 4:02 PM
To: Janice Tillmans
Subject: RE: Drainage into Serrano Creek

Janice- Could you forward to be the information you are requesting relative to the City Hall/Community Center that we discussed earlier today on the phone?

Gayle

-----Original Message-----

From: Janice Tillmans [mailto:JTillmans@akmce.com]
Sent: Monday, March 20, 2006 1:09 PM
To: Opportunities_Info
Cc: JMACY92630@aol.com; Bob T (Bob T)
Subject: RE: Drainage into Serrano Creek

Thank you for your assistance. The reason for the request is as follows:

Our home backs up against Serrano Creek and we are very concerned about the amount drainage and run-off that will impact the creek. Apparently 5 of the 7 proposed sites will have drainage into Serrano Creek. Right now we have an erosion problem on the banks that could affect our home and other homes along the creek in Lake Forest. The County is responsible for fixing this, however, I would hope the City of Lake Forest would take existing homes and their residents into consideration prior to doing any NEW building.

Any additional information you can provide would be appreciated.

Sincerely,

Janice Tillmans
 25601 Orchard Rim
 Lake Forest CA 92630

949-753-7333 (daytime - work)
949-951-7930 (evening - home)

From: Opportunities_Info [mailto:Opportunities_Info@ci.lake-forest.ca.us]
Sent: Monday, March 20, 2006 12:51 PM
To: Janice Tillmans
Subject: RE: Drainage Into Serrano Creek

Janice- I copied three panels that cover Serrano Creek from Dimension Drive south to Via del Rio. Let me know if you need any additional information. They will be in the mail today.

Gayle Ackerman

-----Original Message-----

From: Janice Tillmans [mailto:JTillmans@akmce.com]
Sent: Thursday, March 16, 2006 4:34 PM
To: Opportunities_Info
Subject: RE: Drainage into Serrano Creek

Gayle,

Thank you for your assistance.

Regarding Figure 3.8-2 FEMA Q3 Floodplan - This map does not show my area, which is directly south of the Figure.

I will need "Panel 0318" which was not included in the EIR.

Please e-mail, or mail this map to me as soon as possible.

Thank you.

Janice Tillmans
25601 Orchard Rim
Lake Forest CA 92630
949-753-7333 (daytime - work)
949-951-7930 (evening - home)

From: Opportunities_Info [mailto:Opportunities_Info@ci.lake-forest.ca.us]
Sent: Thursday, March 16, 2006 2:41 PM
To: Janice Tillmans
Subject: RE: Drainage into Serrano Creek

Dear Janice-
The drainage information in the EIR begins on Page 3.8-1.
Gayle Ackerman

-----Original Message-----

From: Janice Tillmans [mailto:JTillmans@akmce.com]
Sent: Thursday, March 16, 2006 12:56 PM
To: Opportunities_Info
Cc: JMACY92630@aol.com
Subject: Drainage into Serrano Creek

I am a resident of the City of Lake Forest and attended the Open House last night.

Didn't get all the answers I needed regarding Serrano Creek drainage. Could you please direct me to the pages in the EIR that addresses drainage from this development that will go into Serrano Creek.

Thank you for your immediate assistance

Janice Tillmans
25601 Orchard Rim
Lake Forest CA 92630
949-753-7333 (daytime - work)
949-951-7930 (evening - home)

■ **Response to Comments: JATI4**

RTC JATI4-1 This letter does not contain a comment on the Draft PEIR. The question asked will be answered separately from the Final PEIR.

JAT15

Ackerman, Gayle

From: Janice Tillmans [JTillmans@akmce.com]
Sent: Tuesday, March 21, 2006 3:57 PM
To: Opportunities_Info
Cc: Bob T (Bob T)
Subject: Draft EIR Comment Card

Please acknowledge that you have received my Comment Card.]1

Thank you.

Janice Tillmans
25601 Orchard Rim
Lake Forest, CA 92630

■ **Response to Comments: JATI5**

RTC JATI5-1 The comment card was received.



JCLI

RECEIVED

MAR 27 2006

CITY OF LAKE FOREST
DEVELOPMENT SERVICES DEPT

LAKE FOREST OPPORTUNITIES STUDY
DRAFT EIR
COMMENT CARD
(PLEASE PRINT)

Name: John & Cynthia Little

Address: 25605 ORCHARD RIM
LAKE FOREST, CA 92630

Date: 3.26.06

Comments: WE HAVE RESIDED IN LAKE FOREST ON ORCHARD RIM
LANE FOR 27 YEARS. SERRANO CREEK RUNS DIRECTLY BEHIND OUR
HOME. PRIOR TO THE LATE 1990'S THE CREEK WAS STABLE
AND HAD SOME EROSION DUE TO NATURAL PROCESS.

WITH THE DEVELOPMENT OF FOOTHILL RANCH AND THE REGIONAL
TRANSPORTATION FACILITY THE FLOW OF THE CREEK AND VELOCITY
HAVE GREATLY CHANGED. THIS COMBINED WITH HEAVY RAINS
HAVE CAUSED GREAT EROSION TO THE BED AND BANK OF
SERRANO CREEK.

THE EROSION OF SERRANO CREEK NOT ONLY IMPACTS
THE ENVIRONMENT BUT ALSO AFFECTS SEVERAL HOMES AND COULD
CAUSE MAJOR DAMAGE.

WE URGE THE CITY OF LAKE FOREST TO POSTPONE
APPROVAL TO START NEW CONSTRUCTION UNTIL WE
CAN FIND A SOLUTION TO THE EROSION PROBLEM.

MAIL COMMENTS TO:
CITY OF LAKE FOREST, DEVELOPMENT SERVICES
ATTN: GAYLE ACKERMAN
25550 COMMERCENTRE DRIVE, SUITE 100
LAKE FOREST, CA 92630
OR E-MAIL TO:
Opportunities_Info@ci.lake-forest.ca.us

Please return written comments to the City
by March 27, 2006

■ Response to Comments: JCLI

RTC JCLI-1 Please see Topical Response 5 which addresses existing hydrological conditions and Topical Response 6 which addresses Serrano and Aliso Creeks.

Issues pertaining to erosion and drainage at Serrano Creek and other local areas are addressed in Chapter 3.6 – Geology, Soils, and Mineral Resources and Chapter 3.8 – Hydrology and Water Quality. Specifically, Impact 3.6-5 in the Geology and Soils Chapter discusses the loss of topsoil and erosion caused by the proposed project. This impact would be considered less than significant after compliance with all applicable regulations as listed in the Planning and Regulatory Framework section (3.6.3). Impacts 3.8-1 and 3.8-4 in the Hydrology and Water Quality chapter both discuss the increased runoff and water quality issues caused by the proposed project. The impact to increased runoff would be considered less than significant with implementation of specified mitigation measures (MM 3.8-1) and the impact to water quality would be considered significant and unavoidable.

JEAN

5A

Ackerman, Gayle

From: Jeff Andrews [jandrews@uci.edu]
Sent: Monday, March 20, 2006 2:01 PM
To: Opportunities_Info
Subject: Portola Hills Development

I am writing to express my concern and disappointment over the blatant attempt to circumvent community participation in the proposed development in Portola Hills. How can the City of Lake Forest move forward on a such a large project with such an obvious and significant impact without asking for input from Portola Hills residents? No decision on the proposed development should be allowed until all community residents have the opportunity to voice their concerns and have those concerns adequately addressed by the City of Lake Forest and the developers.

1

Jeff Andrews
19252 Jasper Hill Road

■ Response to Comments: JEAN

RTC JEAN-1 Your comment will be included in the Final PEIR and provided to the decision-makers for review and consideration during their deliberations of whether or not to approve the Proposed Project. Please see Topical Response 12 which explains the public participation process for the project. A hearing will be held prior to adoption of the Final PEIR and any action on the project. Please also see Topical Response 7 which addresses concerns in the Portola Hills Area.

JEAN

March 25, 2006

JEAN 2

cc _____
M. Ackerman

Mayor Richard Dixon
c/o City of Lake Forest
25550 Commercentre Dr., Suite 1
Lake Forest, CA 92630

Dear Mr. Dixon,

I am a current resident who has lived in Portola Hills for over 12 years. I love Portola Hills and want to maintain the high quality of life of our community. For this reason, I am writing to express some of my concerns over the proposed Baldwin Company development and to ask for your feedback on how the City of Lake Forest will address these concerns.

It is my understanding that the proposed Baldwin development will increase the population of Portola Hills by 50 percent. How will the City of Lake Forest address the additional students added by this development? Portola Hills Elementary School has a land movement problem that has forced a portion of school to be closed and required the addition of portable classrooms to the campus. Will the City of Lake Forest add a new school to Portola Hills to handle the additional student load? Will the city correct the current land movement problem at Portola Hills Elementary School?] 1

I am assuming that this new development will require new bond financing. Will this extend the term and increase the amount of the existing Mello Roos property taxes paid by current Portola Hills residents? Or will the residents of the new development have a separate Mello Roos bond for their property?] 2

Another concern from this development is the impact to automobile traffic. How will the City of Lake Forest address the increase in traffic congestion? Currently, Glenn Ranch and Saddleback Ranch already experience congestion during peak commute hours. Does the City of Lake Forest have a plan to modify these two roads since they serve as the main arteries to and from the Portola Hills community? Likewise, the traffic congestion on El Toro Road, Lake Forest and Bake Parkway is an existing issue for city residents. What will be done to address the additional cars on these roads? Will Alton Parkway be extended? Will Portola Parkway be extended from Foothill Ranch to Irvine?] 3

Finally, there is the general issue of trust concerning the Baldwin Company. Residents are very uneasy about another Baldwin project in our community. When I first moved into my home, I heard for years about the new park that Baldwin was going to build. It wasn't until the annexation by the City of Lake Forest that the present Concourse Park was finally completed.] 4

The Baldwin Company was also responsible for the grading of areas that are presently experiencing land movement problems. A lawsuit was filed for one slope area, and they have been unwilling to correct the school's land movement issue because the statute of limitations has expired. The Baldwin Company has made promises they have not kept and they have not corrected problems they have created. After this negative experience, the homeowners are expected to trust them with another project? The Baldwin Company proposal reminds me of the saying, "Fool me once, shame on you; Fool me twice, shame on me."

4

In conclusion, how will City of Lake Forest address the concerns mentioned above? Furthermore, how does the City of Lake Forest plan to hold the Baldwin Company accountable for this proposed development?

5

Sincerely,



Jeff Andrews

19252 Jasper Hill Road
Trabuco Canyon, CA 92679

949-459-8282

■ Response to Comments: JEAN2

- RTC JEAN2-1 Your comment will be included in the Final PEIR and provided to the decision-makers for review and consideration during their deliberations of whether or not to approve the Proposed Project. Please also see Topical Response 7 which explains the change in allowable density that would result from the project and addresses concerns in the Portola Hills area. Please see Topical Responses 7 and 8 which address school issues.
- RTC JEAN2-2 Please see Topical Response 7 regarding Mello Roos questions.
- RTC JEAN2-3 The Draft EIR examined potential traffic impacts along Glenn Ranch Road, Saddleback Ranch Road, and Portola Parkway in. Please see Section 3.14 of the Draft PEIR, Topical Responses 7 and 9 regarding traffic questions.
- RTC JEAN2-4 Your comment will be included in the Final PEIR and provided to the decision-makers for review and consideration during their deliberations of whether or not to approve the Proposed Project. Please see Topical Response 10 regarding landslides. All mitigation measures required at either the program level, or as part of project level environmental review will be fully enforceable by law.
- RTC JEAN2-5 See Response to Comment JEAN2-4.

RECEIVED

JEPA

MAR 27 2006

CITY OF LAKE FOREST
DEVELOPMENT SERVICES DEPT

March 24, 2006

Attention: Richard Dixon, Mark Tettermer, Peter Herzog, Kathryn McCullough, Marcia Rudolph

RE: Portola Hills Development

As original residents of the Portola Hills community, I would like to express my deep concern regarding the planned development for our community. There are numerous issues that need to be taken into consideration before a Development Agreement is reached with Baldwin.

Please inform the residents of our community how you plan to handle the following consequences of such a build out:

- 1. Density: The proposed plans call for 1,132 which is 50% higher than the original 600 units.] 1
- 2. Overcrowding in Portola Hills Elementary and Serrano Intermediate Schools. These schools are already at full capacity. Children have already given up part of their playground to portable classrooms due to the closure of unsafe classrooms caused by improper grading by the Baldwin company.] 2
- 3. Baldwin's past negative reputation. We own a Baldwin home and we had and still have issues with our shared driveway and drainage problems due to faulty grading on Baldwin's part. Not to mention the numerous problems in the neighborhood regarding slipping slopes, shifting ground and unstable buildings at the school. Baldwin is not a company we would like to see do additional building in our community.] 3
- 4. Traffic: Significant traffic increase along Glenn Ranch Road, Saddleback Ranch Road and Portola Parkway.] 4
- 5. Mello Roos Taxes: Will there be an increase in those taxes?] 5
- 6. Public Opinion: How can the city of Lake Forest responsibly negotiate the development contract with the landowners before receiving comments from the public and local agencies? How can the public provide important information that may be missing from the draft EIR if the public is excluded from the planning process?] 6

I would appreciate a reply as to how the City of Lake Forest plans to respond to the above mentioned concerns.

Sincerely,

Jeffrey Paulsen
19546 Misty Ridge Lane
Trabuco Canyon CA 92679

■ Response to Comments: JEPAs

- RTC JEPAs-1 Your comment will be included in the Final PEIR and provided to the decision-makers for review and consideration during their deliberations of whether or not to approve the Proposed Project. Please also see Topical Response 7 which explains the change in allowable density that would result from the project and addresses concerns in the Portola Hills area.
- RTC JEPAs-2 Please see Topical Responses 7 and 8 which address school issues.
- RTC JEPAs-3 Your comment will be included in the Final PEIR and provided to the decision-makers for review and consideration during their deliberations of whether or not to approve the Proposed Project.
- RTC JEPAs-4 The Draft EIR examined potential traffic impacts along Glenn Ranch Road, Saddleback Ranch Road, and Portola Parkway in Section 3.14. Please see Topical Responses 7 and 9 regarding traffic questions.
- RTC JEPAs-5 Please see Topical Response 7 regarding Mello Roos questions.
- RTC JEPAs-6 Please see Topical Response 12 which explains the public participation process for this project.



RECEIVED
CITY OF LAKE FOREST
CITY CLERK'S OFFICE

JIRE

S. Ackerman

06 MAR 27 P4:01

**LAKE FOREST OPPORTUNITIES STUDY
DRAFT EIR
COMMENT CARD
(PLEASE PRINT)**

Name: Jill Reichle

Address: 19532 Misty Ridge Lane
Trabuco Canyon, CA 92679

Date: March 27, 2006

Comments: * See Attached

MAIL COMMENTS TO:
CITY OF LAKE FOREST, DEVELOPMENT SERVICES
ATTN: GAYLE ACKERMAN
25560 COMMERCENTRE DRIVE, SUITE 100
LAKE FOREST, CA 92630

OR E-MAIL TO:
Opportunities_Info@ci.lake-forest.ca.us
City of Lake Forest Opportunities Study Program EIR

Please return written comments to the City
by March 27, 2006

**COMMENTS TO DRAFT ENVIRONMENTAL IMPACT REPORT (DEIR)
CITY OF LAKE FOREST**

I am a 12-year resident of Portola Hills. I have reviewed the Draft Environmental Impact Report (DEIR) and am submitting the following comments.

General

1. The DEIR does not contain enough information to evaluate the environmental impacts from the proposed project. Vague statements such as: "Trabuco Hills High School is expected to incur a total increase over the next 10 years" are unacceptable. Statements as to increases or decreases in student enrollment, or anything else, should be backed up with quantifiable numerical data. Furthermore, one is left guessing after a reading of the report as to what assumptions were used in determining traffic impacts, housing density, etc. Finally, the selling point for the study – the park, is planned for a property of a non-participating landowner and no mention is made as to how, exactly, the City of Lake Forest plans on obtaining development rights to that property. 1
2. The 2030 population increase cited on page 5-22 is 38%. Yet the proposed project increase is cited at about 21%. Which number was used in determining impacts to traffic and schools? 2

Housing Density

1. For the proposed Portola Center, what are the boundaries of the acreage used to calculate densities? Does the calculation include the right-of-way under the high voltage lines? 3

Traffic

1. The information provided by the traffic study is incomplete or vague. Traffic from planned developments within Trabuco Canyon does not appear to be accounted for in the traffic analysis. Specifically, the proposed Saddleback Meadows development traffic generation data appears absent. Also, development along Santiago Canyon Road near Irvine Lake is planned, and will, at the very least, impact intersections on the northern portion of El Toro Road, especially El Toro and Santa Margarita Parkway/Portola Parkway. 4
2. Since the traffic study conducted in April 2004 is the basis of the traffic analysis, the report should specify the exact times and dates the study occurred. Since a large percentage of the AM traffic along El Toro Road and Lake Forest Drive is generated by traffic to El Toro High School (ETHS) and Serrano Intermediate School, it would be important that the traffic counts were not conducted during a school holiday. It appears from the DEIR that the counts were conducted during the month of April, however, exact dates are not presented in the report. If the actual traffic counts were conducted in April, it is possible that the traffic counts could have been conducted during Spring Break. If this occurred, then the level of service calculations would underestimate actual conditions. 5

- 3. There are major discrepancies between the average daily traffic (ADT) volumes of the City Preferred Plan versus the existing-plus-project scenario. The existing-plus-project scenario has higher ADT volumes at Portola Parkway between Glenn Ranch Road and SR-241. Since the existing-plus-project scenario does not account for future population growth, if anything, its value should be less than the City-Preferred Plan. It therefore seems likely that the City Preferred Plan underestimated the total traffic impact to the Portola Hills area. } 6
- 4. There are seven (7) intersections studies that have unmitigated impacts. Although several of these intersections would have unmitigated impacts under the General Plan does not make it acceptable. The housing density needs to be decreased until these intersections reach LOS D. } 7
- 5. The traffic analysis did not include intersections along Santa Margarita Parkway and Marguerite Parkway – both roadways would be used frequently by Site 2 and Site 4 residents. In particular, the intersections of Santa Margarita Parkway/Marguerite Parkway and Santa Margarita Parkway/Los Alisos should be included in the study. } 8
- 6. There is no traffic analysis of Saddleback Ranch Road, running through Portola Hills. The future intersections created by the new developments straddling Saddleback Ranch should be included in the DEIR. } 9

Schools

- 1. School enrollment data is incomplete. However, based on the DEIR, 463 new high school students will be generated by the proposed project. Trabuco Hills High School is expected to incur a total increase over the next 10 years, and El Toro High School is expected to experience growth through 2007, then the number of students will decline. Actual numerical projections of student populations should be included in the DEIR. Even if the decline in students at El Toro High School were to balance the increase at Trabuco Hills High School, the two high schools would be over capacity by 1,514. A site should be provided by the developers for another secondary school. } 10
- 2. A map should have been included in the report showing student generation data by site and all schools (K-12) with available capacity data (both existing and at 5-year intervals). } 11

Population and Housing

- 1. This section was confusing. The section should lay out clearly the exact SCAG (or other advisory body) recommendations for housing and how the City-preferred plan meets the recommendations. (It should also be noted that SCAG recommendations are not binding, as the City is exceeding SCAG population growth projections.) } 12
- 2. The annexation of Foothill Ranch and Portola Hills included rental units. This section did not address how the annexation changed the number of low to moderate rental units. } 13
- 3. According to the DEIR, Lake Forest has higher than the County average rental vacancy rates, and a below average rate for vacancy of single-family homes. Therefore, it appears that the City should be building more single-family homes to meet housing demand. The DEIR does not explain the need for 1,799 rental units, which would greatly increase housing density and cause traffic impacts, school overcrowding, and other impacts. } 14

- 4. It appears from the DEIR (although this section is not clear), that SCAG recommends 107 very low to moderate income units. Why is the City recommending 15% low income housing? If 5,415 units are constructed, that would result in approximately 812 low income units – exceeding SCAG’s recommendations. } 15
- 5. The low income units should be built near commercial centers and bus routes, not adjacent to rural Trabuco Canyon. The DEIR should show a map of the low-income units with their proximity to bus routes and shopping. To reduce traffic impacts, it make more sense to build high density housing closer to the I-5 so that it is more centrally located. } 16

Hydrology/Wildlife Corridors

- 1. The park associated with Portola Center appears to be directly adjacent to Aliso Creek. The park would require extensive grading which would alter the natural topography of the creek area. This would affect runoff to the creek and wildlife movement patterns. If permits are not approved for grading next to the creek, will the park be move further in, and some of the housing units eliminated? Or, will the park be eliminated? This issue needs to be clarified. } 17

Aesthetics

- 1. Elevation contours should be provided for the Portola Center Development and park. There is no way to know whether or not the aesthetics would be impacted without knowing the elevation of the pads in relation to the existing topography. } 18

Geology

- 1. The Portola Center site contains uneven topography. Extensive cut and fill appears to be required to develop the area south of Glenn Ranch Road. Since parts of the existing Portola Hills development are experiencing subsidence due to cut and fill work performed by the Baldwin Company, how will the City of Lake Forest ensure that soil failure does not occur in the newly developed zones? Are City of Lake Forest soils testing requirements more stringent than Orange County’s? County oversight of construction practices did not prevent subsidence of Portola Hills Elementary School, the Portola Hills II pool, and the slope behind the homes on Jasper Hill. Baldwin should be required to mitigate any unstable soils in the existing Portola Hills development, before being issued grading permits for the Portola Center. } 19

Recreation

- 1. Why is the sports complex planned on the Nakase property -- a non-participating owner? Is there an agreement with the landowner to develop a portion of this property? If not, this deems the DEIR unacceptable. The park space requirement cannot be met on an unavailable property. Further, there are questions as to whether the park planned for } 20

Portola Center will be allowed as it is located in a wildlife corridor and will alter drainage to Aliso Creek.] 20

Notice of Preparation

As a resident of Portola Hills, I was not notified of the preparation of the DEIR.] 21

■ Response to Comments: JIRE

- RTC JIRE-1 Regarding school impacts, the PEIR does not provide information on the specific numbers of students anticipated to go to each school over time from the project, or the likely effect on each school, because such information is not necessary in order to determine whether the project will have an impact on schools (yes) and whether those impacts can be fully mitigated (yes). However, the SVUSD's demographic projects have been added as Appendix N of the PEIR.
- As explained more fully in RTC IAMO-28, payment of the school mitigation fee, by law, constitutes full mitigation for the project's school impacts.
- The assumptions used in the traffic analysis are detailed in the traffic study which is included as an appendix to the PEIR.
- An EIR is not required to explain how a project will be carried out; it is only required to analyze the environmental impacts of the project.
- RTC JIRE-2 The City's population is anticipated to increase 38% between 2004 and 2030 as a result of the project addition of 29,811 persons to the City's existing population of 77,700. Of this 17,103 or 22% would be due to the project and 12,078 or 16% to cumulative development as explained on page 5-22. The traffic analysis looked at both the impact of the project and the impact of the project in combination with cumulative development.
- RTC JIRE-3 The boundaries are shown on Figure 2-4 and are calculated based on the land included within the zoning designation.
- RTC JIRE-4 All development such as cited in the comment are included in the long range analysis since it is based on year 2030 OCP-2004 demographic projections. These projections are from the Orange County Council of Governments and are the adopted long-long forecasts for the County.
- RTC JIRE-5 As a rule of practice, traffic studies (i.e. traffic counts) are never conducted during school holidays.
- RTC JIRE-6 The traffic scenarios included in the PEIR are explained on page 3.14-32 of the Draft PEIR. As noted in the description, the existing plus project scenario (2030 project) include MPAH improvements as well as future population growth. Similarly the 2030 LFTM scenario includes the LFTM improvements as well as the funded MPAH improvements. The differences in the improvements included in the scenarios explains the noted differences.
- RTC JIRE-7 Comment noted. This comment will be transmitted to the City Council for consideration through inclusion in the Final PEIR.
- RTC JIRE-8 See RTC ELWA2-19.

- RTC JIRE-9 RTC ELWA2-19. Future intersections created by site-specific development will be analyzed as part of project-level review. See Topical Response 2.
- RTC JIRE-10 See RTC IAMO-28. The SVUSD has not requested provision of a second school site.
- RTC JIRE-11 See RTC IAMO-28. This information is not needed in order to determine whether the project will have an impact and whether the impact can be mitigated.
- RTC JIRE-12 SCAG has not published specific recommendations with respect to additional housing opportunities in Lake Forest. SCAG does, however, recognize a strong need for additional housing in the region, as the regional population is expected to increase significantly over the next decade. The Proposed Project exceeds the current SCAG population growth projections for Lake Forest because those projections are based on the buildout of the City under the existing General Plan, which does not include additional housing opportunities. With the Opportunities Study Program, the City is changing land use designations to allow for additional residential development that would not be possible under the current General Plan. During its next demographic growth projection cycle, SCAG will take into account any changes to local general plans that affect population growth.
- RTC JIRE-13 While interesting, this information is not required in order to determine whether the project will have an impact.
- RTC JIRE-14 The purposed of the PEIR is to analyze a project as proposed in order to determine the environmental consequences of the project. The purpose is not to justify the project's design or land uses. The appropriateness of the project will be considered by the City Council as part of making a decision regarding whether to approve the project, or an alternative, or a variant of the project with impacts within the range analyzed in the PEIR.
- RTC JIRE-15 The City's Housing Element includes Policy 1.10 which is to encourage 15% of all new housing units to be affordable. It should be noted that affordable housing is not the same thing as low-income housing. Affordable housing is defined under State and federal statutes as housing which costs no more than 30 percent of gross household income. Housing costs include rent or mortgage payments, utilities, taxes, insurance, homeowner association fees, and related costs. Low income housing is housing affordable to low or very low income persons (i.e. housing which is affordable to persons making less than 80 percent of the median County income.
- RTC JIRE-16 See RTC JIRE-14. These suggestions regarding project design will be communicated to the City Council.
- RTC JIRE-17 Please see Topical Response 2 and 4. This Draft PEIR is a 'programmatic' level assessment. When individual sites are developed, a detailed assessment will need to be performed on the proposed site design. This could include modifications to locations of certain features such as parks. Regardless, prior to obtaining a permit, mitigation measures MM 3.8-1 and MM 3.8-5 would assure that potential impacts to runoff

would be less-than-significant and implementation of Mitigation Measure 3.4-5 would assure that impacts to wildlife corridors are adequately mitigated.

RTC JIRE-18 This information is not available at this time. As detailed in Topical Response 2, the proposed project is at a Plan level of detail, rather than a project level of detail. If the project is approved in concept, then project-level planning and environmental review will occur.

RTC JIRE-19 As with all projects, site specific development will be required to comply with standard City, as well as statutory requirements, including the California Building Code. Prior to issuance of grading permits, site-specific project will be required to submitting grading and construction plans to the City for review and approval and will be subject to project-level environmental review. Any on-site soils or geotechnical conditions requiring remediation in order for construction to meet Building Code, will be required to be addressed prior to issuance of construction permits in keeping with standard practices. See also RTC ELWA2-2.

RTC JIRE-20 See ELWA 28. The availability of the Nakase property is not a factor in determining the adequacy of the EIR. The Draft PEIR also analyzes several alternative public facility locations.

Project specific details on the proposed park sites on Site 2 are not available; however, mitigation measures provided in the Draft PEIR will ensure that wildlife corridors and drainage will be considered at the project level.

RTC JIRE-21 CEQA does not require that every resident and business in the City be notified of the availability of a Draft EIR. CEQA Guidelines Section 15087 specifies noticing requirements as follows:

(a) The lead agency shall provide public notice of the availability of a draft EIR at the same time it sends a notice of completion to the Office of Planning and Research. This public notice shall be given as provided under Section 15105 (a sample form is provided in Appendix L). Notice shall be mailed to the last known name and address of all organizations and individuals who have previously requested such notice in writing, and shall also be given by at least one of the following procedures:

(1) Publication at least one time by the public agency in a newspaper of general circulation in the area affected by the proposed project. If more than one area is affected, the notice shall be published in the newspaper of largest circulation from among the newspapers of general circulation in those areas.

(2) Posting of notice by the public agency on and off the site in the area where the project is to be located.

(3) Direct mailing to the owners and occupants of property contiguous to the parcel or parcels on which the project is located.

Owners of such property shall be identified as shown on the latest equalized assessment roll.

(b) The alternatives for providing notice specified in subdivision (a) shall not preclude a public agency from providing additional notice by other means if such agency so desires, nor shall the requirements of this section preclude a public agency from providing the public notice required by this section at the same time and in the same manner as public notice otherwise required by law for the project.

The City complied with these noticing requirements by publishing a notice regarding the availability of the Draft PEIR in the paper. In addition, the City provided both notice and the PEIR on the City's website.

JJPA

41

Ackerman, Gayle

From: Janine Paulsen [paulsen4@sbcglobal.net]
Sent: Wednesday, March 15, 2006 10:34 AM
To: Opportunities_Info
Subject: Portola Hills Housing

Dear Ms. Ackerman:

As long-time residents of Portola Hills, we are concerned about the impact of the additional 1,132 housing units planned for our community. We are asking for the amount of units to be reduced in order to minimize the negative impact on our schools, traffic flow and environment.]¹

Thank you for your consideration on this important matter.

Sincerely,
Jeff and Janine Paulsen

■ Response to Comments: JJPA

RTC JJPA-1

Your comment will be included in the Final PEIR and provided to the decision-makers for review and consideration during their deliberations of whether or not to approve the Proposed Project. Please see Topical Response 7 which explains the change in allowable density that would result from the project and addresses concerns in the Portola Hills area.

JMMA

Ackerman, Gayle

From: Malloy, Mike (GE Comm Fin) [mike.malloy@gecapital.com]
Sent: Wednesday, March 08, 2006 3:18 PM
To: Opportunities_Info
Subject: Proposed additional 1,132 units (466 apartments, 525 homes, 141 attached homes) for Portola Hills

Importance: High

To whom it may concern,

It has recently come to our family's attention that there may be some development plans in the works that could significantly impact our community. I hope that this development plan is not in the works, and that this is merely a rumor. Our community has suffered over the years with developers and civic leaders taking this quiet, but strong, community for granted. We have been a resident of Portola Hills for over ten years, and I have watched our community fight the El Toro Air force base conversation, have our designated park area take well over 12 years to be built because funds were diverted for other purposes, and our school district get re-aligned because of the overbuilding in the surrounding areas. We bought our home SPECIALLY because we wanted our children to go to Rancho Santa Margarita Middle School, not Serrano. Less than two years after purchasing our home, the civic leaders changed the school district lines, and said that for the next four years the children in this community would be sent to Serrano. For two years my wife drove 2 hours each day (30 minutes each way, twice a day) to take our daughter to La Paz, because Serrano was not an option for us. This was ONLY supposed to be for a four year period of time, which would be ending this year...this was promised by the civic leaders at that time. Our son will be graduating from Portola Elementary in 2 years. You can imagine my frustration to hear that our community will be in this same predicament again, and be forced to drive several ours a day because the civic leaders go back on their promises. Again, I hope this is a rumor and not a fact. I am not usually one to stand in the way of development. However, after looking at your map of the proposed development for Portola Hills I have to wonder who in the City of Lake Forest is responsible for working with planners/developers in the negotiation of the ratio of high density housing vs. open/recreational space. Over 1,110 housing units are planned but it appears that only about 5% will be dedicated to recreational space. The original developers of Portola Hills left a legacy of unfinished parks, a school that is only half utilized due to improper grading, and a homeowners association that bears the financial burden of having to secure a hillside due to an oversight of the soils engineers and geologists that first inspected the development. More importantly, where is the infrastructure coming from? Where are the extra schools going to be put, because you certainly could not be expecting to put hundreds of additional children in an elementary school that is already bursting at the seams. I am hoping that there is not someone on the city counsel that is trying to make a unilateral decision about this without considering the consequences and without having this in an announced open forum. Enough is enough...involve the residents of Portola Hills. We are a strong and important part of the City of Lake Forest, and we expect for our civic leaders to listen to us and not overwhelm our community. I respectfully ask for someone to respond back to my inquiry and advise us of the status of this development plan. Thank you.

J. Michael Malloy
 Resident of Portola Hills

■ Response to Comments: JMMA

- RTC JMMA-1 Your comment will be included in the Final PEIR and provided to the decision-makers for review and consideration during their deliberations of whether or not to approve the Proposed Project. The City has established a website with information regarding the proposed project to assist in keeping the public informed: <http://www.city-lakeforest.com/opportunitiesstudy/about.php>
- RTC JMMA-2 Please also see Topical Response 7 which explains the change in allowable density that would result from the project and addresses concerns in the Portola Hills area. Please see Topical Response 8 which addresses school issues and Topical Response 10 which addresses landslide issues.
- RTC JMMA-3 Your comment will be included in the Final PEIR and provided to the decision-makers for review and consideration during their deliberations of whether or not to approve the Proposed Project. Please see Topical Response 12 which explains the public participation process for the project. A hearing will be held prior to adoption of the Final PEIR and any action on the project. You will be provided with notice. In addition, the City has established a website with information regarding this project to assist in keeping the public informed: <http://www.city-lakeforest.com/opportunitiesstudy/about.php>

JOFA

43
Ackerman, Gayle

From: John Faltys [john@faltys.com]
Sent: Wednesday, March 15, 2006 8:50 PM
To: Opportunities_Info
Subject: Glenn Ranch / Saddleback Ranch - Portola Hills

To whom it may concern,

As a 42 year resident of SoCal, I have never tried to stand in the way of development. However after looking at your map of the proposed development for Portola Hills I have to wonder who in the City of Lake Forest is responsible for working with planners/developers in the negotiation of the ratio of high density housing vs. open/recreational space. Over 1,110 housing units are planned but it appears very little is dedicated to recreational space. We are already very short of recreational space. We have been left with unfinished parks, homes and schools that are sliding down the hills. Poor planning, poor developer, poor geologists? It does not really matter who is at fault, it only matters that the planning and development are thought through and executed properly. We need more recreational space and schools first, then put the homes in.

Please advise us on the planning process and how we can help to make this a project that everyone will be proud of. Not one that leaves everyone mad, lawsuits flying and developers going bankrupt to protect themselves.

Sincerely,

John Faltys
19222 Jasper Hill Rd.
Trabuco Canyon, CA 92679

Direct 949.680.7148

"What lies behind us and what lies before us are small matters compared to what lies within us."
-Ralph Waldo Emerson

■ Response to Comments: JOFA

RTC JOFA-1

Your comment will be included in the Final PEIR and provided to the decision-makers for review and consideration during their deliberations of whether or not to approve the Proposed Project. Please also see Topical Response 7 which explains the change in allowable density that would result from the project and addresses concerns in the Portola Hills area. The comment states that the proposed project dedicates very little land to recreational space; however, impacts associated with recreational space were evaluated and discussed in Section 3.13 (Recreation). Specifically, page 3.13-10 states:

...the City of Lake Forest has an established park standard of 5 acres of parkland per 1,000 persons. Utilizing a factor of 2.91 persons per dwelling unit (stated in Section 3.11, Population and Housing), the Proposed Project's 5,415 residential units would result in a population increase of approximately 15,758 persons within the City of Lake Forest. Thus, in order to meet the City's parkland standard of 5 acres per 1,000 persons, the Proposed Project would need to develop a total of 78.79 acres of parkland in conjunction with its proposed 5,415 residential units. Since the Proposed Project would result in an addition of 96 acres of parkland within the Project Area, it would be adequate to meet the City's established parkland-to-persons ratio. Thus, sufficient available parkland would be provided such that the increase in population resulting from implementation of the Proposed Project would not result in the increased use of parks and recreational facilities such that substantial physical deterioration of the facilities would occur or be accelerated.

Please see Topical Response 12 which explains the public participation process for the project. A hearing will be held prior to adoption of the Final PEIR and any action on the project. You will be provided with notice. In addition, the City has established a website with information regarding this project to assist in keeping the public informed: <http://www.city-lakeforest.com/opportunitiesstudy/about.php>

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JOFR

Page 1 of 1

Ackerman, Gayle

From: thefrums [thefrums@sbcglobal.net]

Sent: Friday, March 03, 2006 11:50 AM

To: Opportunities_Info

Subject: Future Building in Portola Hills

I just wanted to email you to let you know that I feel that apartments will make too many more people in the community. Please don't build apartments. That is almost double the number of proposed units. Thanks for your consideration. Joy Frum]

■ Response to Comments: JOFR

RTC JOFR-1 Your comment will be included in the Final PEIR and provided to the decision-makers for review and consideration during their deliberations of whether or not to approve the Proposed Project. Please also see Topical Response 7 which explains the change in allowable density that would result from the project and addresses concerns in the Portola Hills area. Please see Topical Response 12 which explains the public participation process for the project. A hearing will be held prior to adoption of the Final PEIR and any action on the project.



JOFU

RECEIVED

MAR 23 2006

CITY OF LAKE FOREST
DEVELOPMENT SERVICES DEPT

LAKE FOREST OPPORTUNITIES STUDY
DRAFT EIR
COMMENT CARD
(PLEASE PRINT)

Name: Johnna Funderburke
Address: 25712 Orchard Pine Lane
Lake Forest Calif 92650
Date: 3-22-06

Comments: Fix the problems of Serrano Creek before
we add anymore homes or businesses to the
existing problems we already have

Thanks,
Johnna Funderburke

MAIL COMMENTS TO:
CITY OF LAKE FOREST, DEVELOPMENT SERVICES
ATTN: GAYLE ACKERMAN
25550 COMMERCENTRE DRIVE, SUITE 100
LAKE FOREST, CA 92630
OR E-MAIL TO:
Opportunities_Info@ci.lake-forest.ca.us

Please return written comments to the City
by March 27, 2006

■ Response to Comments: JOFU

RTC JOFU-1 Your comment will be included in the Final PEIR and provided to the decision-makers for review and consideration during their deliberations of whether or not to approve the Proposed Project.

Please see Topical Response 5 which addresses existing hydrological conditions and Topical Response 6 which addresses Serrano and Aliso Creeks.

Issues pertaining to erosion and drainage at Serrano Creek and other local areas are addressed in Chapter 3.6 – Geology, Soils, and Mineral Resources and Chapter 3.8 – Hydrology and Water Quality. Specifically, Impact 3.6-5 in the Geology and Soils Chapter discusses the loss of topsoil and erosion caused by the proposed project. This impact would be considered less than significant after compliance with all applicable regulations as listed in the Planning and Regulatory Framework section (3.6.3). Impacts 3.8-1 and 3.8-4 in the Hydrology and Water Quality chapter both discuss the increased runoff and water quality issues caused by the proposed project. The impact to increased runoff would be considered less than significant with implementation of specified mitigation measures (MM 3.8-1) and the impact to water quality would be considered significant and unavoidable.

58

JORE

Ackerman, Gayle

From: John Reilly [JReilly@mazdausa.com]
Sent: Monday, March 20, 2006 1:27 PM
To: Opportunities_Info
Subject: NO TAHNK YOU

Dear Ms. Gayle Ackerman,

As a resident of Portola Hills, I must say that my wife, my family and I have very strong reservations concerning the proposed 1,131 new dwellings for Portola Hills. There are so many negative issues that I'm hoping that Lake Forest will work closely with Portola Hills and see why this proposal does not make sense.

This proposal would have a major negative impact on the folks already living in Portola Hills. Just in the last five years the roads have become very crowded and a drive up Glen Ranch Road (from Portola Parkway) in the evening illustrates this point vigorously. Plus to have the entrance for two of the three new developments from Saddleback Ranch Road illustrates how this proposal hasn't clearly been thought out. Saddleback Ranch Road is a major steep hill and the road is very narrow, just this one minor point of this whole proposal is many accidents waiting to happen.

Your help and understanding on our concerns are very much appreciated.
Thank you
John Reilly

■ **Response to Comments:** JORE

RTC JORE-1 Your comment will be included in the Final PEIR and provided to the decision-makers for review and consideration during their deliberations of whether or not to approve the Proposed Project. Please see Topical Response 7 which explains the change in allowable density that would result from the project and addresses concerns in the Portola Hills area. Section 3.14 details the traffic improvements included in the proposed project or programmed as part of planned improvement to address development in the area.

27.

JOWA

Ackerman, Gayle

From: john wallin [wallin@cox.net]

Sent: Tuesday, March 07, 2006 7:19 PM

To: Opportunities_Info

Do not build homes in Portola Hills.] 1
j wallin

■ Response to Comments: JOWA

RTC JOWA-1 Your comment will be included in the Final PEIR and provided to the decision-makers for review and consideration during their deliberations of whether or not to approve the Proposed Project. Please also see Topical Response 7 which explains the change in allowable density that would result from the project and addresses concerns in the Portola Hills area.

KANA

Page 1 of 1

Ackerman, Gayle

From: Ksnakase@aol.com
Sent: Sunday, March 26, 2006 10:29 AM
To: Ackerman, Gayle
Subject: housing expansion at Portola Hills

Ms. Ackerman,

I would like to register my objection and the objection of my entire family to the proposed expansion at Portola Hills.

Our family has enjoyed living in this somewhat "rural" area since 1994. We chose this area because of its natural beauty and peacefulness. This quietness has been compromised considerably since we moved here and we really object to the increased congestion this project will bring to our already crowded neighborhoods.

The impact on the school cannot be for the good of our children. Surely if any consideration or impact studies have been done this would be evident also as with any high density overcrowding, crime will be expected to increase.

Of course I am aware the greed of the housing industry cares little for our environment or the peacefulness indeed the "Zen" of any one neighborhood. I just feel that it is my duty to strongly object to this proposal no matter how insignificant my vote is.

Thank you for your support in this matter.

Mrs. Kathy Nakase and family

■ Response to Comments: KANA

RTC KANA-1 Your comment will be included in the Final PEIR and provided to the decision-makers for review and consideration during their deliberations of whether or not to approve the Proposed Project. Please see Topical Response 7 which explains the change in allowable density that would result from the project and addresses concerns in the Portola Hills area.

KATR

37

Ackerman, Gayle

From: Katrina Tran [kdt1961@yahoo.com]
Sent: Sunday, March 12, 2006 6:30 PM
To: Opportunities_Info
Subject: Rezone

Please keep me posted on the rezone in Lake Forest.] 1

Thank you

■ Response to Comments: KATR

RTC KATR-1 Request noted. Please see Topical Response 12 which explains the public participation process for the project. A hearing will be held prior to adoption of the Final PEIR and any action on the project. You will be provided with notice. In addition, the City has established a website with information regarding this project to assist in keeping the public informed: <http://www.city-lakeforest.com/opportunitiesstudy/about.php>



KAWA

RECEIVED

MAR 27 2006

CITY OF LAKE FOREST
DEVELOPMENT SERVICES DEPT

**LAKE FOREST OPPORTUNITIES STUDY
DRAFT EIR
COMMENT CARD
(PLEASE PRINT)**

Name: Kathy WaiteAddress: 25691 Orchard Knln Lake Forest, CA 92630Date: 3-24-06

Comments: I have lived at this address for nearly 19 years. I have watched the erosion of Serrano Creek get worse with each rain season. I have even watch the sides of the creek fall & also watched huge amounts of trees & whatever is in the creek float down to Trabuco + cause water to overflow to Trabuco Road. I live with my backyard to Serrano Creek. I fear that if we have heavy rains that it will impact my home. I can see water from my downstairs kitchen in the creek on a heavy rain. I have watched beautiful repair work done to the area beyond my home which is between Trabuco Rd. + Baker & nothing has hardly even come close to fix this portion of the creek. I pay taxes too & find it unfair treatment that we have not been given this same treatment. I fear for my home if the development continues up the creek as I feel it is not strong enough to withstand more development without further repair. I have watched the area right across from me be repaired multiple times only to need repair after a heavy rain. The area behind many homes is dangerously close to being a part of the creek & it is becoming dangerous to walk on the narrow common area. Someone will get hurt or killed & how many homes will be destroyed eventually. This is scary. Where are our lawmakers & representatives?

MAIL COMMENTS TO: of citrus lane HOA - we pay our taxes too!

CITY OF LAKE FOREST, DEVELOPMENT SERVICES

ATTN: GAYLE ACKERMAN

25550 COMMERCENTRE DRIVE, SUITE 100

LAKE FOREST, CA 92630

OR E-MAIL TO:

Opportunities_Info@ci.lake-forest.ca.us

City of Lake Forest Opportunities Study Program EIR

Please return written comments to the City

by March 27, 2006

8-427

■ Response to Comments: KAWA

RTC KAWA-1 Please see Topical Response 5 which addresses existing hydrological conditions and Topical Response 6 which addresses Serrano and Aliso Creeks.

Issues pertaining to erosion and drainage at Serrano Creek and other local areas are addressed in Chapter 3.6 – Geology, Soils, and Mineral Resources and Chapter 3.8 – Hydrology and Water Quality. Specifically, Impact 3.6-5 in the Geology and Soils Chapter discusses the loss of topsoil and erosion caused by the proposed project. This impact would be considered less than significant after compliance with all applicable regulations as listed in the Planning and Regulatory Framework section (3.6.3). Impacts 3.8-1 and 3.8-4 in the Hydrology and Water Quality chapter both discuss the increased runoff and water quality issues caused by the proposed project. The impact to increased runoff would be considered less than significant with implementation of specified mitigation measures (MM 3.8-1) and the impact to water quality would be considered significant and unavoidable.

3X

KAZE

Ackerman, Gayle

From: Kathy Zechmeister [kathyz@automatedpower.com]
Sent: Saturday, March 11, 2006 1:25 PM
To: Ackerman, Gayle
Subject: Lake Forest Opportunities Study - Draft EIR

Hi Gayle,

I have a few questions regarding the above and would like to comment as well.

- 1) It appears that the Baker Ranch RV storage facility will be removed? Is that correct? If so, then where is one to store their RV? I understand the RV parking at the old El Toro base is also going away.] 1
- 2) Will there be a dog park in the future at any of the proposed parks discussed in the EIR? OR at any of the community parks in Lake Forest? Our town currently does not have a dog park and it would be a nice addition to the community.] 2

Thank you,

Kathy Zechmeister

■ Response to Comments: KAZE

- RTC KAZE-1 The Baker Ranch RV Storage facility is located on land within Site 1 and is proposed to be redesignated for residential use. The Baker Ranch RV Storage facility was approved by the City as a temporary use. RV storage is available at several self-storage facilities around the City.
- RTC KAZE-2 The Draft PEIR contains a program-level of analysis. Any park sites identified in the document are conceptual in nature. No planning for specific park facilities will take place should the General Plan Amendment and Zone Change be approved.

KESA

Ackerman, Gayle

From: Keith M Salaya [KSalaya@tams.com]
Sent: Thursday, March 02, 2006 8:28 PM
To: Opportunities_info
Subject: Portola Hills Development

To whom it may concern,

As a 42 year resident of southern California and an 11 year resident of Portola Hills I am not usually one to stand in the way of development. However after looking at your map of the proposed development for Portola Hills I have to wonder who in the City of Lake Forest is responsible for working with planners/developers in the negotiation of the ratio of high density housing vs. open/recreational space. Over 1,110 housing units are planned but it appears that only about 5% will be dedicated to recreational space. The original developers of Portola Hills left a legacy of unfinished parks, a school that is only half utilized due to improper grading, and a homeowners association that bears the financial burden of having to secure a hillside due to an oversight of the soils engineers and geologists that first inspected the development.

Do us all a favor and involve the residents of Portola Hills in the planning process as we have been burned before and based on your aerial view of the proposed development, we will get burned again.

Sincerely,

Keith Salaya
19331 Jasper Hill Road
Trabuco Canyon, CA

■ Response to Comments: KESA

RTC KESA-1

Please see Topical Response 7 which addresses Portola Hills issues. It provides a comparison of what could be built today under the existing General Plan in Portola Hills and what could be built if the proposed project were approved. It also explains the provision of open space in Portola Hills under the proposed project.

Please also see Topical Response 8 which addresses school issue, Topical Response 10 which addresses landslide issues, and Topical Response 12 which explains the public participation process for the project.

5.

KRHA

Ackerman, Gayle

From: KKHaskins@aol.com
Sent: Thursday, March 02, 2006 7:07 PM
To: Opportunities_Info
Subject: No More Building in Portola Hills!

To Whom it may concern:

Our elementary school is over crowded and sliding down the hill. There is not enough space at our local Jr. High and High School....our kids must go to Serrano and El Toro and yet there is a rumor that more homes are to be built! 700 possible students!! Building more homes, without more schools is irresponsible and will result in a community out cry!

Sincerely,
Kristen Haskins

■ **Response to Comments: KRHA**

RTC KRHA-1 You comment will be included in the Final PEIR and transmitted to the City's decision-makers. Please see Topical Response 8 regarding schools and Topical Response 10 regarding landslides.

23.

LAHU

Ackerman, Gayle

From: Lair Hull [lair@psbonline.com]
Sent: Monday, March 06, 2006 8:53 AM
To: Opportunities_Info
Cc: Mark DeBellis
Subject: Proposed additional 1,132 units (466 apartments, 525 homes, 141 attached homes) for Portola Hills

To whom it may concern,

Please eliminate the proposal for new homes in Portola Hills. Or, drastically reduce the amount proposed.

This community is already at capacity. The traffic will be a nightmare. The quality of learning in our schools will be compromised with the additional population.

This community was formed and marketed as a quiet, peaceful and family-oriented neighborhood. With the plan that is currently being proposed, our dream-homes and tranquil oasis will be replaced with an over-populated city that is certain to deteriorate the Portola Hills area.

Sincerely,

Very concerned.

--
Lair Hull
Vice President
Operations
PSB, The Marketing SuperSource
PH: 949-340-8923
FAX: 949-465-0797

■ Response to Comments: LAHU

RTC LAHU-1 Your comment will be included in the Final PEIR and provided to the decision-makers for review and consideration during their deliberations of whether or not to approve the Proposed Project. Please see Topical Response 11 which explains the reduced density alternatives included in the Draft PEIR. Please also see Topical Response 7 which explains the change in allowable density that would result from the project and addresses concerns in the Portola Hills area.

MAAN

To: Mayor Richard Dixon
City of Lake Forest

RECEIVED

MAR 27 2006

From: Mark Angel
19181 Highland View Lane
Trabuco Canyon, CA 92679

CITY OF LAKE FOREST
DEVELOPMENT SERVICES DEPT

Date: March 26, 2006

Dear Mr. Dixon:

I am writing regarding the proposed development in the Portola Hills area. I am an 18 year resident of Portola Hills and wish to voice my concerns as a resident and a parent of children at Portola Hills Elementary and Serrano Intermediate School.

Per section 15087 of CEQA, a public notice shall be given which gives a description of the proposed project, its location, and its impact on the area and environment. Where is this public notice? I would like to receive a copy of it.

1

It is my understanding that the proposed development plans call for adding 1132 homes which is about a 50 percent increase in the number of homes in our community. In 1997, the Baldwin Company proposed a build-out that included 600 homes in the same area that I am writing about. In 1997, there were many concerns regarding the increased traffic and accommodating the additional students into existing schools. IF 600 NEW RESIDENTIAL UNITS WAS A CONCERN, WHAT HAS BEEN DONE DIFFERENTLY TO ACCOMMODATE 1132 NEW RESIDENTIAL UNITS IN THE SAME SPACE UNDER THIS PROPOSAL?

2

One of my greatest concerns with this proposal is where will the students of the new development attend elementary and intermediate and high school? Portola Elementary has had land movement issues which have resulted in the closing of over 10 classrooms. Portable units have replaced the closed classrooms resulting in a significant reduction in playground space. The current school's facilities are deteriorating; our Measure B funds are on hold so it is not possible for this school to absorb students from 600 new residences. Furthermore the Baldwin Company performed the original grading of the land that the school was built on and they have done nothing to correct the problem. How can you, in good faith, enable this developer who is responsible for so many land and construction problems that have occurred in Portola Hills?

3

The Baldwin Company built most of the original structures in Portola Hills and was responsible for the land grading in the area. As I have mentioned the school has had to close classrooms because of land sinking problems, Portola Hills II's community pool is slipping down the hill it was built on. Many homes have experienced land movement. Homeowners have had to replace roofs that were not constructed to Code. Houses have mold because bathroom tiles were put on regular gypsum board instead of green board.

4

Money was to be paid by Baldwin for the construction of a neighborhood park. The city ended up paying for the construction of Concourse Park. As a resident of Portola Hills, I can rely first-hand on the Baldwin Company's past actions to indicate that they can not be trusted to properly develop any remaining areas of Portola Hills. Yet this proposal will directly benefit the very company that left so many outstanding, serious problems in the existing development.

4

Another area of concern with this proposal is the effect on traffic in the area. Portola Parkway, Bake Parkway and Lake Forest are already congested during peak commute times. What is going to be done to accommodate the additional traffic that this proposed development will bring?

5

Finally, will existing Portola Hills landowners have an increase in the existing Mello Roos fees to pay for the improvements that will have to be done under this proposal?

6

I would appreciate a reply as to how the City of Lake Forest will be responding to the issues and concerns that I have addressed in this letter. Namely:
Where is the public disclosure to satisfy the requirements of CEQA?
How will the additional school population be accommodated?
What will be done to accommodate the additional traffic?
Why is the city willing to accommodate a developer who has not corrected building issues that they caused in the existing area of Portola Hills?

7

I look forward to your response.



Mark Angel

Cc: Gayle Ackerman, Director of Development Services

■ Response to Comments: MAAN

RTC MAAN-1 Please see Topical Response 12 regarding noticing and the public participation process for the proposed project. Up-to-date information regarding the proposed project is also available on the City's website at: <http://www.city-lakeforest.com/opportunitiesstudy/about.php>

RTC MAAN-2 Your comment will be included in the Final PEIR and provided to the decision-makers for review and consideration during their deliberations of whether or not to approve the Proposed Project. Please see Topical Response 7 which explains the change in allowable density that would result from the project and addresses concerns in the Portola Hills area.

RTC MAAN-3 Please see Topical Response 7 and 8 which address school issues.

RTC MAAN-4 Your comment will be included in the Final PEIR and provided to the decision-makers for review and consideration during their deliberations of whether or not to approve the Proposed Project.

RTC MAAN-5 Please see Topical Responses 7 and 9 which address traffic.

This comment states that the proposed project would worsen the existing traffic problems in the area. Section 3.14 (Transportation/Traffic) of the EIR analyzed the potential impacts resulting from the proposed project (including the increase in density within Portola Hills). It should be noted that the Proposed Project includes not only the land uses identified for the project sites, but also adoption of the Lake Forest Transportation Mitigation (LFTM) Program which includes a set of traffic improvements that are a part of the Proposed Project. Thus, Section 3.14 used both existing and projected traffic conditions to analyze the potential for impacts. Potential effects include those associated with increased congestion on roadways, intersections, and on the ramps and segments of freeways/tollways. However, the Traffic Study performed for the proposed project ultimately determined that all traffic impacts would be less-than-significant, with adherence to the LFTM, which is part of the proposed project.

RTC MAAN-6 Please see Topical Response 7 which addresses concerns in the Portola Hills area including Mello Roos.

RTC MANN-7 The comment is noted. Please refer to:

- Response to comment MAAN-1 for a discussion regarding the public disclosure requirements of CEQA with regards to the Draft EIR;
- Response to comment MAAN-3 for a discussion regarding school overcrowding with regards to implementation of the proposed project;
- Response to comment MANN-6 for a discussion regarding traffic impacts with regards to implementation of the proposed project.

7.

MADE

Ackerman, Gayle

From: Mjdebellis@aol.com
Sent: Friday, March 03, 2006 6:01 AM
To: Opportunities_Info
Subject: Concerns over planned development of Portola Hills

Gentlemen,

The proposed plan concerns me. I am a resident of Portola Hills and have been for the past 8 years.

I understand the need for housing in Orange County and the current shortage. I do have concerns with adding high-density housing at the base of Portola Hills for several reasons:

Traffic

Traffic flow through and out of Portola Hills has gotten increasingly worse over the years. Adding an additional 1000+ residences at the base of the hill would make traffic unbearable. Studies must be completed to determine the impact on all residents.] 1

Safety/Escape Routes

Residents of Portola Hills are surrounded by Whiting Ranch Wilderness area. This is a high-risk fire zone. We a glimpse of what could happen with the Anaheim Hills fires earlier this year. I am concerned about evacuation routes should there ever be a major fire in Whiting that quickly spreads to Portola Hills. I can see the mass exodus of people trying to leave through only a few clogged streets.] 2

Infrastructure

The original build out planned for about have the residences as your new plan suggests. How will this impact infrastructure? All the streets are in. How can we justify doubling the size of the expansion without degrading the quality of life and everything else in this community?] 3

Soil and Building Concerns

Since its original construction, Portola Hills has suffered from soil settling and shifting. There have been numerous lawsuits. Portola Hills Elementary has shifted and some buildings were unusable. The pool in the Portola Hills 2 clubhouse has slipped by several inches and needs renovation. There have been numerous lawsuits for slope damage.] 4

If we are having so many problems with single residential homes, what will be the impact on larger, higher density buildings?] 5

Sincerely,

Mark DeBellis
28611 Chimney Rock Circle
766-5613

■ Response to Comments: MADE

RTC MADE-1 Please see Topical Response 7 and 9 which address traffic.

This comment states that the proposed project would worsen the existing traffic problems in the area. Section 3.14 (Transportation/Traffic) of the EIR analyzed the potential impacts resulting from the proposed project (including the increase in density within Portola Hills). It should be noted that the Proposed Project includes not only the land uses identified for the project sites, but also adoption of the Lake Forest Transportation Mitigation (LFTM) Program which includes a set of traffic improvements that are a part of the Proposed Project. Thus, Section 3.14 used both existing and projected traffic conditions to analyze the potential for impacts. Potential effects include those associated with increased congestion on roadways, intersections, and on the ramps and segments of freeways/tollways. However, the Traffic Study performed for the proposed project ultimately determined that all traffic impacts would be less-than-significant, with adherence to the LFTM, which is part of the proposed project.

RTC MADE-2 Please see Topical Response 7 which addresses evacuation route issues. The Draft EIR recognizes that the Whiting Ranch Wilderness has been identified in the General Plan Safety and Noise Element as areas of fire hazard in Section 3.7 (Hazards and Hazardous Materials). However, the presence of multiple alternative routes to the Project Area minimizes the potential for interference with emergency routes. In order to address the potential for interference with an evacuation route, mitigation measure MM 3.7-4 and 3.7-5 will be implemented to reduce this impact to a less-than-significant level.

Additionally, impacts associated from wildfires in the areas in and around the proposed project were evaluated and discussed in Section 3.7 (Hazards and Hazardous Materials), which states, "The City will reduce the potential for dangerous fires by coordinating with the OCFA to implement fire hazard education, fire protection and fuel modification programs....would also be required to comply with OCFA VHFSHZ/SFPA guidelines, which ensures that development design will comply with the applicable provisions of the 1997 Uniform Fire Code (UFC) as well as locally adopted ordinances enforced by the OCFA."

Additionally, Section 3.12 (Public Services), evaluates and discusses the proposed project impacts on fire services. As such, mitigation measures 3.12-1 and 3.12 -2 shall be implemented to reduce the risks associated with wildfire. Specifically, mitigation measure 3.12-1 would require both Sites 1 and 2 in the Project Area to comply with the OCFA's VHFSHZ/SFPA guidelines, the impacts associated with fire hazards on Sites 1 and 2 would be reduced to a less-than-significant level. Additionally, with implementation of MM 3.12-2, which would require all developers in the Project Area to enter into a Secured Fire Protection Agreement with the OCFA prior to approval of any Master, Project, or Tentative Tract Map, the potential need for additional fire apparatus and staff resulting from implementation of the Proposed Project would be reduced to a less-than-significant level.

- RTC MADE-3 The potential impacts of the proposed project to the City's infrastructure were evaluated and discussed in Section 3.15 (Utilities/Service Systems) and were found to be at less than significant levels. Please see Topical Response 7 which explains the densities which would result in Portola Hills with buildout of the existing General Plan verses the proposed project. Your will be provided to the decision-makers for review and consideration during their deliberations of whether or not to approve the Proposed Project.
- RTC MADE-4 Please see Topical Response 10 which addresses landslides and Topical Response 8 which addresses school issues as well as Topical Response 7.
- RTC MADE-5 Please see RTC MADE-4.

44
MAEH

Ackerman, Gayle

From: Maureen El Harake [maureen_el_harake@dot.ca.gov]
Sent: Thursday, March 16, 2006 12:27 PM
To: Ackerman, Gayle
Cc: Bob Joseph
Subject: Request for extension for Review

Dear Ms. Ackerman,

Per my phone message today, the Department of Transportation District 12 is requesting an extension of the review period for the following project:

City of Lake Forest Opportunities Study DEIR. Current Due Date for State Clearinghouse Compliance: 3/17/06.

Reason for Request: Due to the size and nature of the project, current analysis and discussion regarding the traffic impacts have not been completed.

Extension Requested: To 3/31/06 - one week.

Thank you for your consideration of this request. You may reach me at (949) 724-2086 until 4 p.m. today. Or you may contact Bob Joseph at (949) 724-2255 tomorrow.

Sincerely,

Maureen El Harake
Caltrans District 12
IGR/Community Planning

■ Response to Comments: MAEH

RTC MAEH-1 The Draft Program Environmental Impact Report (Draft PEIR) was distributed to various public agencies, citizen groups, and interested individuals for a 45-day public review period, which began on February 2, 2005, and ended on March 21, 2005. Pursuant to several requests, the comment period was extended one week to March 27, 2006. The Draft PEIR was circulated to state agencies for review through the State Clearinghouse, Office of Planning and Research. Copies of the Draft PEIR were available for review at all libraries within the City of Lake Forest, as well as at the City Planning Counter and the City Clerk's Office. During the review period, the public was provided with the opportunity to submit written comments on the Draft PEIR. An Open House was held at City Hall on March 15, 2006, to present the proposed project and invite public comment. The public was invited to attend through publication of a hearing notice in the appropriate venues and the local newspapers.

MAHE

Ackerman, Gayle

From: Matthew E. Herlevic [mherlevic@gwrealtyco.com]
Sent: Tuesday, February 28, 2006 11:42 AM
To: Opportunities_Info
Subject: Residential opportunities with the area of the opportunity study

Good morning,

I'm interested in obtaining a formal list or log of tentative maps that have been submitted in the City of Lake Forest, preferably within the area of the opportunity study. If possible, please e-mail them or let me know how I can get them or what's available.] 1

Thanks for your time,

Matt Herlevic
GW Realty Co.
5075 Shoreham Place, Suite 240
San Diego, CA 92122
Ph. (858) 622-7171
Fax (858) 622-1879
Cell (619) 208-9166
mherlevic@gwrealtyco.com

■ **Response to Comments: MAHE**

RTC MAHE-1 This is not a comment on the Draft PEIR and will be answered separately, rather than as part of the Final PEIR.

MEAL

2/30
Ackerman, Gayle

From: Megan Allen [megan.allen@cox.net]
Sent: Tuesday, March 14, 2006 7:47 PM
To: Opportunities_Info
Subject: Plan Site #2

To whom this may concern,
 I am very interested in what you are proposing to do in your opportunities plan for Lake Forest, in particular proposed site number 2 near El Toro Road and Glenn Ranch Road. I am very opposed to your plan to build additional offices and housing units on the south side of Glenn Ranch Road and Saddleback Road. I cannot believe that you would want to build on that beautiful land. By all means finish the Portola Hills development, the area already graded, but please leave the other side of Glenn Ranch alone. The traffic, light pollution, school over crowding and the displacing of the animals, such as numerous deer, would be a terrible injustice to this region. Many people come to this area to ride bicycles, motorcycles, hike, fly kites & model airplanes, jog, ride horse, etc., but building additional businesses and housing next to Whiting Ranch would just ruin the area for all of those who use it. Please reconsider your proposal. Don't you have enough land with El Toro Marine Base? Why do you need to keep moving into the mountains? Please stop that development. It isn't necessary.
 I would like to be kept posted on all of your development so please add me to your mailing lists regarding development, especially the Glenn Ranch area development.

Email:
 Megan.allen@cox.net
 Megan Allen
 4 Costa Drive
 Mission Viejo, CA 92692
 949-458-0894

■ Response to Comments: MEAL

- RTC MEAL-1 Your comment will be included in the Final PEIR and provided to the decision-makers for review and consideration during their deliberations of whether or not to approve the Proposed Project. Please also see Topical Response 7 which explains the change in allowable density and uses that would result from the project and addresses concerns in the Portola Hills area.
- RTC MEAL-2 As detailed in Topical Response 7, much of the currently vacant land is zoned for development and is in private ownership. Without the proposed project this land would develop overtime consistent with the existing General Plan. The proposed project would alter the nature of allowed development in the Portola Hills area, in the manner described in Topical Response 7. The propose project would result in an increase in the amount of land reserved for open space and parkland as detailed in Table 2-5 and 2-4 of the Draft PEIR.

25.

MERI

Ackerman, Gayle

From: Eric & Melissa Riggert [riggert@cox.net]
Sent: Monday, March 06, 2006 8:28 PM
To: Opportunities_Info
Subject: EIR Open House

Ms. Ackerman,

I am concerned that the Open House regarding this very important document that addresses the future of Lake Forest is scheduled for the day BEFORE the comment period ends. This allows no discussion between concerned citizens about information that may have come to light during the Open House or a clarification of points of the EIR upon which there may have been questions or confusion. I am very disturbed that this is the route you as our City Representatives chose to take with this matter. Many of us have no experience reviewing a document like this and the sheer size of this document is overwhelming. I personally have been trying to understand the EIR and the impact it would have on my community, Portola Hills, and was hoping for clarification at the Open House. The timing of the Open House and the closure of the comment period is incredibly inconvenient as it leaves me less than 24 hours to revise my commentary letter regarding the EIR.

Regards,
Melissa Riggert
Resident

■ Response to Comments: MERI

RTC MERI-1 The City filed a Notice of Preparation (NOP) with the California Office of Planning and Research indicating that an EIR would be prepared. The NOP was distributed to involved public agencies and interested parties for a public review period, which began on July 7, 2004, and ended on August 16, 2004. The purpose of the public review period was to solicit comments on the scope and content of the environmental analysis to be included in the EIR.

The Draft Program Environmental Impact Report (Draft PEIR) was distributed to various public agencies, citizen groups, and interested individuals for a 45-day public review period, which began on February 2, 2005, and ended on March 21, 2005. An Open House was held at City Hall on March 15, 2006, to present the proposed project and invite public comment. The public was invited to attend through publication of a hearing notice in the appropriate venues and the local newspapers. The comment period was then extended to March 27, 2006 to allow the public additional time after the Open House to comment. The Draft PEIR was circulated to state agencies for review through the State Clearinghouse, Office of Planning and Research. Copies of the Draft PEIR were available for review at all libraries within the City of Lake Forest, as well as at the City Planning Counter and the City Clerk's Office. During the review period, the public was provided with the opportunity to submit written comments on the Draft PEIR.

MERI2

32
Ackerman, Gayle

From: Eric & Melissa Riggert [riggert@cox.net]
Sent: Thursday, March 09, 2006 3:29 PM
To: Opportunities_Info
Subject: RE: EIR Open House

Gayle,

Thank you for your response and thank you for extending the comment period.] 1

I appreciate your offer of assistance regarding understanding the EIR.

Regards,
 Melissa Riggert

On Thu, 9 Mar 2006 15:20:37 -0800, Opportunities_Info wrote:

>Dear Melissa,
 >Thank you for your correspondence regarding the Opportunities Study
 >EIR. The City has extended the 45 day review period until Monday March
 >27th. I have attached the press release that we sent to all of the
 >local papers yesterday. Please feel free to call me if you are having
 >difficulty navigating through the EIR or if you have any questions that
 >I may be able to answer. I will also be at the open house.

>
 >Gayle Ackerman
 >Director of Development Services
 >City of Lake Forest
 >949 461-3463

>-----Original Message-----

>From: Eric & Melissa Riggert [mailto:riggert@cox.net]
 >Sent: Monday, March 06, 2006 8:28 PM
 >To: Opportunities_Info
 >Subject: EIR Open House

>
 >Ms. Ackerman,

>
 >I am concerned that the Open House regarding this very important
 >document that addresses the future of Lake Forest is scheduled for the
 >day BEFORE the comment period ends. This allows no discussion between
 >concerned citizens about information that may have come to light during
 >the Open House or a clarification of points of the EIR upon which there
 >may have been questions or confusion. I am very disturbed that this is
 >the route you as our City Representatives chose to take with this
 >matter. Many of us have no experience reviewing a document like this
 >and the sheer size of this document is overwhelming. I personally have
 >been trying to understand the EIR and the impact it would have on my
 >community, Portola Hills, and was hoping for clarification at the Open
 >House. The timing of the Open House and the closure of the comment
 >period is incredibly inconvenient as it leaves me less than 24 hours to
 >revise my commentary letter regarding the EIR.

>
 >Regards,
 >Melissa Riggert
 >Resident

>
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 >

■ **Response to Comments: MERI2**

RTC MERI-1 You are welcome.

5.

MIAL

Ackerman, Gayle

From: MnRAllen@aol.com
Sent: Friday, March 03, 2006 2:56 PM
To: Opportunities_Info
Subject: Portola Hills housing.

To Whom It May Concern,

It has been brought to my attention that the city is planning a vote to add additional houses and apartments to my neighborhood. Why has this information been suppressed thus far? We do not want more children attending the Portola Hills Elementary School which is already overrun with portable classrooms and do not see a need for more traffic either. Please allow the community to voice our opinions on this matter and reconsider what impact this will have on our community.

Sincerely,

Mike and Renee Allen
13 years Portola Hills Community Homeowners

■ Response to Comments: MIAL

RTC MAIL-1

Your comment will be included in the Final PEIR and provided to the decision-makers for review and consideration during their deliberations of whether or not to approve the Proposed Project. Please also see Topical Response 7 which explains the change in allowable density that would result from the project and addresses concerns in the Portola Hills area. Please see Topical Response 8 which addresses school issues. Please also see Topical Response 12 which explains the public participation process for the project. A hearing will be held prior to adoption of the Final PEIR and any action on the project.

9.

MICO

Ackerman, Gayle

From: Mike Copelan [mikec@buy.com]
Sent: Friday, March 03, 2006 10:27 AM
To: Opportunities_Info
Subject: Proposed additional 1,132 units (466 apartments, 525 homes, 141 attached homes) for Portola Hills

To whom it may concern:

I recently became aware of a proposal to add additional housing units in the form of apartments/condos and attached homes to the Portola Hills area near the intersection of Saddleback Ranch and Glen Ranch Rds. While I understand the attractiveness of the revenue that this would generate for the City of Lake Forest, it appears to be short sighted. Currently, our existing population has ongoing issues with:

- Traffic Congestion
- Poor Police coverage by the City contracted OC Sheriffs
- The stability of a poorly designed (geology wise) elementary school
- Elementary school capacity issues.
- Poor design of parking/drop off pick up area. Only one way in and one way out.
- Addition of pollution

By adding additional population, you create rush hour congestion on roads, specifically Saddleback Ranch, that were never intended to carry that volume of traffic.] 1

Additional population/property would require a significant increase in the amount of resources currently allocated to public safety. Currently, on average, there is one patrol a day maximum cruising through the Portola Hills community. There have been a plethora of complaints and incidents at the newly developed Concourse Park that have been unsatisfactorily resolved/handled by both the OC Sheriffs and the City of Lake Forest. As far as I know, no clear plan has been developed to address these current issues.] 2

By adding additional population, it would be necessary to build an additional elementary school. The nature of the added units would generate younger populations with many more children needing to attend school. This would further impact the intermediate and high schools in the area which are already at or near capacity.] 3

The current elementary school in Portola Hills is Portola Hills Elementary School. As you may be aware, there are significant ongoing geological issues with this school. To my knowledge, the City of Lake Forest is not involved in financing any of the repairs or maintenance. Secondly, they are currently using portables, which have reduced the amount of play area, so necessary for young children to thrive and remain healthy. In addition, due to the poorly designed/or prepared soil, there is only one entrance/exit to the school. This has proven multiple times to be a safety hazard, getting emergency equipment in and out. But on a daily basis, it creates chaos getting our children to school and picked up. Today, Portola Hills Elementary is one of the top elementary schools in the state if not the country. We draw experienced and dedicated teachers that help to mold it to what it is today. By adding addition issues listed above, the attractiveness of the area and the continuation of the success of the schools will surely be impacted.] 3

I am asking that the City of Lake Forest work in conjunction with the Community of Portola Hills and form a committee to jointly look at the viability of this venture. I think you will find that the negative impact FAR outweighs any gain and there will be a definite increase in negative sentiment from the community.] 4

I welcome your comments.

Mike Copelan
28776 Vista Aliso Rd.
949-766-5833

■ Response to Comments: MICO

RTC MICO-1 Please see Topical Response 7 which addresses traffic issues in the Portola Hills area.

RTC MICO-2 Please see Topical Response 7 which explains the change in development density in the Portola Hills area that would result from the proposed project. The impacts associated with increase demand for public services, including the need for additional police services were evaluated and discussed in Section 3.12 (Public Services). Specifically, page 3.12-10 states, “police staffing levels in the City of Lake Forest are acceptable, if not above average, for the area, based on the reported response times.” Further, and as described on page 3.12-10 through 3.12-11:

Implementation policy 13 in Appendix A (Implementation Program) of the City’s General Plan prescribes specific actions to implement the goals of providing substantive levels of police protection, including ensuring that contracted staffing levels correspond to the population and geography of the City when renewing the service contract with the OCSD; ensure that mutual aid agreements between the OCSD and police departments of surrounding jurisdictions are in place for emergency situations; use defensible space and lighting concepts in development project designs to enhance public safety; coordinate with the OCSD to increase public awareness about criminal activity and crime prevention activities and maximize the use of Neighborhood Watch programs in both residential and business communities; provide periodic crime prevention programs in local schools; and continue to administer an effective graffiti removal and avoidance program. Impacts to police services would be less than significant.

As explained in Topical Response 1, the Draft PEIR looks at the change that would result from the proposed project, and how to mitigate any significant impacts resulting from that change. The purpose of the document is not to cure existing issues. However, your comment will be included in the Final PEIR and provided to the decision-makers for review and consideration during their deliberations.

RTC MICO-3 Please see Topical Response 8 which addresses school issues.

RTC MICO-4 Please see Topical Response 12 which explains the public participation process for this process. Your comments regarding the project will be included in the Final PEIR and provided to the decision-makers for review and consideration during their deliberations of whether or not to approve the Proposed Project.

22.

MIHE

Ackerman, Gayle

From: Michelle & Rob Henslick [henslickhome@cox.net]
Sent: Saturday, March 04, 2006 2:20 PM
To: Opportunities_Info
Subject: Concern regarding development in Portola Hills

Attn: Gayle Ackerman, Director of Development Services

We have owned three different homes and been residents in Portola Hills for over 16 years. We recently heard about the proposed plans to develop over 1,100 additional new homes in Portola Hills. We knew there would be more development but this figure seems excessive as this would increase the size of our community by 50%! Ten years ago, the proposal was around 600 new homes. This is almost double the original figure. We are particularly concerned about the 466 high density apartments that are included in the proposal. We have heard that these are higher density than anything else in Lake Forest. We already have 3 pretty high density condominium complexes in Portola Hills. Traffic during commute hours will make access in an out of Portola Hills (Portola Pkwy at Glenn Ranch and El Toro at Glenn Ranch and Saddleback Ranch Rd at Glenn Ranch) a major concern.

We currently already have a traffic congestion problem during school drop off and pickup. This problem significantly increased when Painted Trails students were added to our elementary because they all have to drive their children in. The city also eliminated a lot of parking along both sides of Saddleback Ranch Road (in front of the school) and further up Fawn Ridge which made drop off even more challenging for Portola Hills Students. The wait can be over 15 minutes in traffic just trying to get past the school on Saddleback Ranch during the 7:40-8 and 2-2:15 timeframe. The addition of an estimated 500-700 more students (this estimate is probably even low) would severely impact an already bad traffic condition near the school. The safety of the children and crossing guards is already of major concern. The additional classroom portables needed would eliminate the already reduced recess areas for our children. The school already lost at least 30% of the blacktop areas when they added portables necessitated by ground slippage and building damage. This situation has been on going for over two years and would definitely need to be resolved before even considering adding additional students to this school.

We ask that you include the Portola Hills Community in the planning stages for additional development and that extensive traffic studies be completed prior to the determination of increased units. We also ask that the density of the units be reduced.

Please keep us apprised of how we may be involved in this consideration,

Michelle and James Henslick
29061 Canyon Vista Drive
Trabuco Canyon, CA 92679
(949) 589-4789

■ Response to Comments: MIHE

- RTC MIHE-1 Your comment will be included in the Final PEIR and provided to the decision-makers for review and consideration during their deliberations of whether or not to approve the Proposed Project. Please also see Topical Response 7 which explains the change in allowable density that would result from the project and addresses concerns in the Portola Hills area.
- RTC MIHE-2 Please see Topical Response 7 which addresses concerns traffic concerns in the Portola Hills area. Please also see Topical Response 9 which provides further information regarding the traffic analysis.
- RTC MIHE-3 Please see Topical Response 8 which addresses school concerns.
- RTC MIHE-4 Please see Topical Response 8 which addresses school concerns. Please also see Topical Response 1 which explains that the Draft PEIR assesses the potential impacts that would result from the project and how to mitigate any such impacts. It does not address existing conditions. Your comments concerning existing conditions will be included in the Final PEIR and will be transmitted to the City's decision-makers for review and consideration.
- RTC MIHE-5 Please see Topical Response 12 which explains the detailed public participation process for the project. A hearing will be held prior to adoption of the Final PEIR and any action on the project. You will be provided with notice. In addition, the City has established a website with information regarding this project to assist in keeping the public informed: <http://www.city-lakeforest.com/opportunitiesstudy/about.php> Your comment will be included in the Final PEIR and provided to the decision-makers for review and consideration during their deliberations of whether or not to approve the Proposed Project.

24.

MIMA

Page 1 of 1

Ackerman, Gayle

From: Stuart Manser [stuart.manser@cox.net]
Sent: Monday, March 06, 2006 2:41 PM
To: Opportunities_Info
Subject: 1,132 Housing Units Planned for Portola Hills

Gayle,

This plan is terrible. This will destroy Portola Hills and the Elementary School. We are at the moment dealing with major parking issues from the apartment community in Fawn ridge. Parking dilapidated vehicles in front of properties and allowing their dogs to foul our lawns. We can't seem to handle this apartment community let alone another 466 high-density apartments. Our School has had to take Painted Trails and Wandering Trails communities (Mission Viejo) and Silverado Canyon Estate Kids. This is just too much.

I want to see the housing density drastically reduced.

Hoping there is someone with vision for the future and a degree of common-sense in your department?

Miranda Manser

■ Response to Comments: MIMA

RTC MIMA-1 Your comment will be included in the Final PEIR and provided to the decision-makers for review and consideration during their deliberations of whether or not to approve the Proposed Project. Please see Topical Response 11 which explains the reduced density alternatives included in the Draft PEIR. Please also see Topical Response 7 which explains the change in allowable density that would result from the project and addresses concerns in the Portola Hills area. Please also see Topical Response 8 which addresses school issues.

MOTR

37

Ackerman, Gayle

From: Morse [traversm@cox.net]
Sent: Monday, March 13, 2006 4:24 PM
To: Opportunities_Info
Subject: Site 2 Portola Hills

Hi,

It is very difficult to ascertain exactly what is planned for the Portola Hills portion of the Opportunities Study but my understanding is that there is commercial development planned near the corner of Glen Ranch and Saddleback Ranch and that there is also a rental component for some of the residential planned.

If this is true, I strongly object to any commercial development in the Portola Hills area. Our community is fairly isolated from the rest of the world and I would like it to stay that way. Any commercial use, especially retail, will give less desirable elements of our society a reason to be in our neck of the woods. Something like a convenience store would be an attraction to just about anyone. Any commercial development will create higher traffic counts versus homes. This area should stay residential. There is enough commercial elsewhere.

I also object to any apartments because of the downgrading effect that it has on the whole neighborhood.

Portola Hills is a special place. Please only allow the development of comparable homes.

Thank you,

Morse Travers

■ Response to Comments: MOTR

RTC MOTR-1 Please see Topical Response 7 which explains the change in allowable density that would result from the project, the current and proposed uses, and addresses concerns in the Portola Hills area. Your comment will be included in the Final PEIR and provided to the decision-makers for review and consideration during their deliberations of whether or not to approve the Proposed Project.

OFBD

Ackerman, Gayle

From: Obukirin@aol.com
Sent: Friday, March 24, 2006 12:16 PM
To: Opportunities_Info
Cc: Zenypower@aol.com
Subject: To Gayle Ackerman, Dir. Development Services, Lake Forest

Dear Ms Ackerman,

This E-mail is to express my family's disagreement with the proposed 1,132 homes in the Portola Hills Area.

Ms Ackerman, we have enjoyed the quality of our life here in Portola Hills because of the good density that we have right now. In fact, the addition of factories near Portola and Glenn Ranch have already affected us. Glenn Ranch Road is already busy as is. Adding 466 high density apartments is driving us residents out of the area. We have apartments and condos here now that are ruining the quality of our homes by them parking in front of our residences days and nights. More apartments will drive the prices of our homes down as the area becomes too busy and no longer the quiet residential area we had purchased years ago.

We hope you would take the residents' opinions on this matter. We would appreciate up to date information on the progress of this plan.

Thank you.

Mrs. Ofelia Bukirin-Druce

■ Response to Comments: OFBD

RTC OFBD-1 Your comment will be included in the Final PEIR and provided to the decision-makers for review and consideration during their deliberations of whether or not to approve the Proposed Project. Please also see Topical Response 7 which explains the change in allowable density that would result from the project and addresses concerns in the Portola Hills area. The City has established a webpage for the proposed project in order to keep citizens informed. It is available at: They are available at: <http://www.city-lakeforest.com/opportunitiesstudy/about.php>

PEME

RECEIVED

MAR 27 2006

CITY OF LAKE FOREST
DEVELOPMENT SERVICES DEPT

Gayle Ackerman
Development Services Department
City of Lake Forest
25550 CommerceCentre Drive Suite 100
Lake Forest, CA 92630

March 21, 2006

Re: Lake Forest Opportunities Study Draft EIR Comments

Dear Ms. Ackerman,

As a resident and homeowner with direct impact from the majority of the seven sites proposed for development in the Opportunities Study, I would like to express my concern over the quality of the Draft EIR - specifically issues regarding hydrology.

Five of the seven proposed sites drain into Serrano Creek. Yet the EIR spends far more time discussing the issues of Borrego Canyon Wash, which is affected by just one of the proposed sites (though admittedly it is the largest of all the sites). Additionally Borrego Canyon Wash has no current developments along its banks, whereas Serrano Creek has many, many homes and industrial developments running along its banks.

The EIR relies heavily upon the studies of one person, a Doctor Stanley Trimble, Department of Geography at UCLA, to makes its determinations regarding the efficacy of the three major drainages to handle the increased capacity associated with development of the proposed sites. This is the first issue I have with the EIR. My father, Lucian J. Meyers, an original surveyor of the California State Water Project, and one of the owners of the civil engineering firm that provided much of the water design for the farming of the San Joaquin Valley taught me that an engineer's reliance upon one study by one individual will result in skewed results based upon the natural bias of the individual when interpreting data. This EIR specifically quotes many of Dr. Trimble's studies but little else. The EIR Appendix shows that the Army Corps of Engineers 2004 study of the San Diego Creek Watershed Restoration Plan was consulted; however, no significant mentions were made of that study in the main body of the EIR, particularly when it comes to Serrano Creek. *I would argue that the EIR is incomplete due to a lack of study data on the effects of runoff into Serrano Creek by the proposed developments.*

A second issue is the calculation in the EIR of the coefficient of runoffs for the proposed project. The EIR states that the coefficients of runoffs are normally based upon standards set by the Cal Trans Hydrology Manual or the Unit Hydrograph method. The company retained by the City of Lake Forest, EIP, chose to disregard both methods and came up with an "approximation" of their own. This is from a company started in 1968 that on their own website can only "boast" of three projects they have worked on that dealt with water drainage issues. *I would argue that the EIR data is suspect due to an issue of the quality of factual data in calculation of the coefficient of runoffs into the drainages affected by this proposed development.*

A third issue that also affects the coefficient of runoffs is a lack of study data in the EIR regarding Serrano Creek. Vegetation located in a creek-bed can substantially affect the coefficient of runoff of a drainage. In fact, Dr. Trimble's August 17, 2005 updated study of Borrego Canyon Wash

specifically states in its Executive Summary "While the large woody debris (large tree trunks) present in the gully may provide some minor bank protection, their general effect is to direct turbulent flows onto gully walls and exacerbate erosion." Over the past 20 years of development along Serrano Creek, the amount of debris and vegetation has grown substantially, causing the creek to erode significantly. Original homeowners on Orchard Rim Lane can attest that 19 years ago, Serrano Creek behind their home was no more than 20 feet wide. Today that same creek has grown to hundreds of feet in width in some areas and encroaches upon private property. The Opportunities Study proposes developments that will further increase the flows into Serrano Creek. This, combined with the continued increased vegetation in the creek bed will cause further erosion and potential destruction of private property, particularly in the area from the Nakase Nursery down to Trabuco Road. The County of Orange and the Army Corps of Engineers are responsible for the control of erosion in Serrano Creek. While a plan is in place to mitigate these erosion issues in the specific area from Nakase down to Trabuco, only a couple of small bank areas have been actually mitigated and the plan is nowhere near completion. *I would argue that the EIR is incomplete due to a lack of data addressing how the development of the proposed sites will specifically affect drainage in the aforementioned area and that the EIR should assert that no development be allowed until the County of Orange and the Army Corps of Engineers have completed their erosion control plans for Serrano Creek.*

4

Gayle, up to this point, I have tried to address purely factual issues with the EIR published by EIP. But as a homeowner along Serrano Creek, I am also biased in my own concern for the well being of my property and the other properties in my neighborhood. The Opportunities Studies is a logical step for the City of Lake Forest and addresses an overall need for housing in Orange County. However, the development must not take place at the risk of losing homes and other property downstream from the proposed sites due to erosion from runoff. **Allowing such destruction of private property in the name of new development is no better than current efforts by municipalities to exercise eminent domain on private property for new private development purposes.**

5

It is my hope that the Planning Commission and City Council will carefully weigh the input of existing property owners before allowing development of these seven proposed sites. Serrano Creek is one of the last streams in the county with natural banks and an ecosystem that can support a variety of plants and wildlife. I do not want to see yet another concrete channel forced into place in the future, simply because the city did not ensure that the EIR guiding its development turns out to contain significant faulty data.

Sincerely,



Peter J. Meyers
25661 Orchard Rim Lane
Lake Forest, CA 92630
(949) 472-6460

■ Response to Comments: PEME

RTC PEME-1 As is typical of a “programmatic” EIR, the level of detail and analysis will depend upon the available information and data. Discussion of some issues includes more information regarding potential impacts and mitigation for the Borrego Canyon Wash because this analysis exists in preparation for a separate environmental review document. Please see Topical Response 1 and 2 regarding the level of detailed analysis for a PEIR. Prior to development of each site, Project-level analysis will be required and Mitigation Measures 3.8-1 and 3.8-5 will assure that post-project runoff and erosion conditions do not exceed pre-project conditions.

Please also see Topical Responses 5 and 6, which provide additional information regarding Serrano Creek and Section 7.2.1 of Chapter 7 which includes a discussion of efforts to improve Serrano Creek.

RTC PEME-2 Please refer to Topical Responses 1, 2, 3, 5, and 6. Please also refer to RTC WQCB-1, 2, and 4. Because this is a Programmatic EIR, the level of detailed study required for site-specific impacts and development is not required. Site-specific studies and analysis will be required prior to implementation of site-specific development. Mitigation measures MM 3.8-1 and MM 3.8-5 will assure that post-project runoff will not exceed pre-project runoff rates and that adequate mitigation for any outfalls will be implemented; therefore, there will be no net impact or net change from existing conditions over current river geomorphology in either the Serrano Creek system, Borrego Canyon Wash, or Aliso Creek. A full list of references used in the preparation of the hydrology portion of the Draft PEIR is provided on pages 3.8-39 to 3.8-41.

RTC PEME-3 The commenter contends that neither the Caltrans Hydrology Manual nor Unit Hydrograph Methods were used in determining runoff coefficients. As stated in the Draft PEIR (page 3.8-24) the Caltrans method was used for estimating runoff coefficients; this method was not disregarded. However, both methods will still only approximate conditions based on the limited existing information and programmatic level of design. More detailed, site-specific data and analyses would be required prior to development of each site. Please see response to comment RTC PEME-2.

RTC PEME-4 The commenter makes note of the potential effect of riparian vegetation on runoff coefficients and creek erosion. It is further stated that the Proposed Project will increase flows to Serrano Creek, which combined with increased vegetation in the creek bed will cause further erosion. Finally, the commenter requests that no further development be approved until erosion control plans for Serrano Creek have been completed.

Please see Topical Response 5 and 6 and RTC PEME-2. The Draft PEIR is complete regarding potential impacts to hydrology and water quality. Site-specific analysis will be required when each site is developed. These will provide the level of detail necessary to assess site-specific impacts and requested by the commenter.

Typically, the effect of increased riparian vegetation within a creek bed and along the stream banks will enhance bank stabilization, reduce erosion, and reduce peak flow velocities. However, certain types of vegetation, especially non-native species, can contribute to flooding and erosion. Restoration of a healthy native riparian vegetation community is typically a goal of all riparian restoration efforts. Because vegetation may also reduce channel conveyance capacity that could result in water backing up and flooding the surrounding areas, in an urban setting, stream restoration practices aim at balancing both functions. However, conditions of existing vegetation that may or may not contribute to reduced channel conveyance capacity and increased erosion would not be adversely altered with implementation of the Proposed Project.

Please see Topical Response 5. Surface runoff and potential flow contributions to the channel are not affected by in-channel runoff and conveyance. Buffer areas along the riparian corridor may affect overall surface runoff. However, these would be either improved following development of the Proposed Project or would remain the same, and consequently they would not affect Proposed Project impacts to erosion and runoff either within the channel or along the banks.

As noted in the Draft PEIR original and revised Table 3.8-1, Impact 3.8-1, and Impact 3.8-2, implementation of the Proposed Project would not increase runoff to any of the drainages: Serrano Creek, Borrego Canyon Wash, and Aliso Creek. Furthermore, mitigation measures MM 3.8-1 and MM 3.8-5 would assure that post-development runoff rates did not exceed existing rates, there would be no net increase flow because of the Proposed Project., and a WQMP would be required that includes appropriate BMPs to control sediment and pollutant transport into the adjacent drainages. In addition to these mitigation measures, compliance with sediment TMDLs would assure that the Proposed Project impacts would be less than significant.

RTC PEME-5 Comment noted. These comments will be conveyed to the City Council through inclusion in the Final PEIR for the project.

PHFA

49

Ackerman, Gayle

From: Phillip Falcetti [pfalcetti@canoc.org]
Sent: Friday, March 17, 2006 9:39 AM
To: Opportunities_Info
Subject: no on current plan!

i believe sections 3.11.1, 3.11.2 and 3.11.3 should be more thoroughly analyzed and scrutinized....it's too much!!!!

3.11.1 - it's way too much to incorporate into our city...the immediate growth factor increases the capacity to quickly...what happened to "slow growth" development?] 1

3.11.2 - too many homes and businesses...and to be done simultaneously with the lennar and the great park development...the problem with orange county is that you can travel two miles and cross three city borders...yes the parcels are located within city limits, but what's going on one mile away in irvine???

the reason i purchased my home in forest creek in 1999 was because of the open space and potential great park opportunity...since 1999, i've been married and have two children and have invested my life to raising my children in this beautiful community...i'm not so sure we/you will be able to continue this with your current plan...

thank you -

phil falcetti, mph, ches
24822 via del rio
lake forest

Phil Falcetti, MPH
CEO/NCADD-OC
949.770.0847

No virus found in this outgoing message.
Checked by AVG Free Edition.
Version: 7.1.385 / Virus Database: 268.2.5/284 - Release Date: 3/17/2006

■ Response to Comments: PHFA

RTC PHFA-1 Your comment will be included in the Final PEIR and provided to the decision-makers for review and consideration during their deliberations of whether or not to approve the Proposed Project or one of the alternatives.

Issues related to General Plan build out, population projections, or housing needs are discussed in Chapter 3.11 – Population and Housing. Impacts 3.11-1 and 3.11-2 address the impacts to displaced housing or population, and induced population growth. Impacts to population inducement are considered significant and unavoidable; there is no displaced housing or populations.

RTC PHFA-2 The analysis of population, employment, and housing impacts (Chapter 3.11 – Population and Housing) compares existing levels with projected levels and determines whether the growth is within local and/or regional forecasts. In addition to the previous projections, the analysis determines whether the anticipated growth under the Proposed Project would be considered substantial, given the existing and planned infrastructure improvements that could serve population growth. As part of the Regional Housing Needs Assessment (RHNA), the Southern California Association of Governments (SCAG) determines the five-year housing growth needs by income category for municipalities within its jurisdiction, which includes the City of Lake Forest. Additional discussion of population and housing assessments for the City, county, region, and state are discussed in *Project Area Characteristics* Chapter 3.11 – Population and Housing.

The Draft PEIR included a detailed analysis of cumulative impacts associated with development of the project in combination with past, present and reasonably foreseeable future projects in the area (see Section 5.2 of the Draft PEIR).

Your comment will be included in the Final PEIR and provided to the decision-makers for review and consideration during their deliberations of whether or not to approve the Proposed Project or one of the alternatives.

PRHE

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MAR 27 2006

CITY OF LAKE FOREST
DEVELOPMENT SERVICES DEPT



LAKE FOREST OPPORTUNITIES STUDY
DRAFT EIR
COMMENT CARD

(PLEASE PRINT)

Name: PATRICIA + Randy Henniger
Address: 25123 OAK CANYON LANE
LAKE FOREST, CA 92630
Date: 3-23-06

Comments:
As a LAKE FOREST RESIDENT I STRONGLY
OPPOSE THE PROPOSAL TO BUILD
HOUSES OFF BAKE + DIMENSION.
TRAFFIC IS ALREADY UNACCEPTABLE.
SO RENO CREEK IS ALREADY CHOKED
WITH RUN OFF and we MUST
MAINTAIN OUR OPEN SPACES as
they are so precious and IN
SHORT SUPPLY

MAIL COMMENTS TO:
CITY OF LAKE FOREST, DEVELOPMENT SERVICES
ATTN: GAYLE ACKERMAN
25500 COMMERCENTRE DRIVE, SUITE 100
LAKE FOREST, CA 92630
OR E-MAIL TO:
Opportunities_Info@ci.lake-forest.ca.us

Randy Henniger
Homeowner
LAKE FOREST
Please return written comments to the City
105, Down

■ Response to Comments: PRHE

RTC PRHE-1 Your comment will be included in the Final PEIR and provided to the decision-makers for review and consideration during their deliberations of whether or not to approve the Proposed Project.

The commenter states that existing traffic and the flow capacity of Serrano Creek are unacceptable and is in opposition to the proposed project. In addition, the commenter states the need to maintain the City's open spaces. The PEIR analyzed these issue areas in detail in order to determine the potential impacts of the Proposed Project, and presented mitigation measures to reduce potential impacts, where feasible.

Implementation of the Proposed Project would result in an additional 96 acres of parkland and community facilities (51 acres of neighborhood parks and 45 acres of community facilities) within the City of Lake Forest, in order to increase the City's open space and recreational facilities. The benefit of additional parkland acreage in the City would not occur under existing conditions, without the Proposed Project.

Please see Topical Response 5 which addresses existing hydrological conditions and Topical Response 6 which addresses Serrano and Aliso Creeks.

Issues pertaining to erosion and drainage at Serrano Creek and other local areas are addressed in Chapter 3.6 – Geology, Soils, and Mineral Resources and Chapter 3.8 – Hydrology and Water Quality. Specifically, Impact 3.6-5 in the Geology and Soils Chapter discusses the loss of topsoil and erosion caused by the proposed project. This impact would be considered less than significant after compliance with all applicable regulations as listed in the Planning and Regulatory Framework section (3.6.3). Impacts 3.8-1 and 3.8-4 in the Hydrology and Water Quality chapter both discuss the increased runoff and water quality issues caused by the proposed project. The impact to increased runoff would be considered less than significant with implementation of specified mitigation measures (MM 3.8-1) and the impact to water quality would be considered significant and unavoidable.

Please see Section 3.14 of the Draft PEIR which addresses traffic and explains how the LFTM program will avoid impacts. See also Topical Response 9 which addresses traffic.

26.

RCAD

Ackerman, Gayle

From: Cindy Adams [CindyInnova@cox.net]
Sent: Tuesday, March 07, 2006 10:33 AM
To: Opportunities_Info
Subject: Expansion in Portola Hills

To Whom it May Concern:

Although the expansion in Portola Hills may be profitable to someone, the loss will be absorbed in our children's education. Our children are currently being displaced at Portola Hills Elementary as the class sizes grow. The play ground has become smaller. The teachers are stretched to their limits. Classrooms are packed with desks and filled with over 30+ children. I've overheard quality teachers stating they will leave the school if they continue to place more children to their class sizes. Adding another 300+ children would eliminate any playground area, add to the already congested classrooms, and overload our already filled after school programs. Does anyone out there care?????

Obviously those that would benefit from this additional growth do not have children that attend this school, so any education that may be jeopardized would not be of concern to them. The reason why we moved to Portola Hills and pay such exorbitant Mello Roos was for our schools.....now you make us wonder why.

Very concerned and disappointed,

Rob & Cindy Adams

■ Response to Comments: RCAD

RTC RCAD-1 Your comment will be included in the Final PEIR and provided to the decision-makers for review and consideration during their deliberations of whether or not to approve the Proposed Project. Please see Topical Response 11 which explains the reduced density alternatives included in the Draft PEIR. Please also see Topical Response 7 which explains the change in allowable density that would result from the project and addresses concerns in the Portola Hills area. Please also see Topical Response 8 which addresses school issues.

Ackerman, Gayle

From: Bob and Claire McGirr [mcgirr5@cox.net]
Sent: Saturday, March 25, 2006 3:17 PM
To: Ackerman, Gayle
Subject: Portola Hills Development

To: Gayle Akerman-Director of Developmental Services
City of Lake Forest

March 25, 2006

My husband and I would like to express our concerns regarding the planned housing units for Portola Hills. We have been residents of P.H. for 12 years. We chose this community because of its unique secluded atmosphere, and the small community atmosphere it brings for our family. We are concerned about the number of homes planned for the community. The original plans of 10 years ago or so were for 600 housing units, now the number has grown to nearly twice that. This will increase the size of our community by 50%.

1

We want to know how this will affect our already over crowded schools? How will the projected number of 700 new students in the area be served? How will this impact traffic and air quality as a result? Have there been impact studies done on the traffic at Saddleback Ranch and Glenn Ranch? Portola Parkway is already very congested for us to get home from work. This will only greatly increase an already congested area. These are our major concerns at this time.

In addition, Portola Hills Elementary has been severely damaged due to original improper grading of the site by the Baldwin Company. We understand they are no longer liable because of the time that has passed, but feel they should stand behind their work. Now that they are filing a new application for development that will directly affect Portola Elementary, we believe that they should be conditioned to repair the school prior to building permits.

2

We oppose the plan in its current form and would like to see a more reasonable plan showing all single family homes and a park that includes a little league field, soccer fields and basketball courts.

We would appreciate your consideration of these concerns in your planning decisions.
Thank you for your concerns in these matters.

Sincerely,

Robert and Claire McGirr
19486 Jasper Hill Rd.
Trabuco Canyon, CA 92679

■ Response to Comments: RCMC

RTC RCMC-1 Your comment will be included in the Final PEIR and provided to the decision-makers for review and consideration during their deliberations of whether or not to approve the Proposed Project. Please also see Topical Response 7 which explains the change in allowable density that would result from the project and addresses concerns in the Portola Hills area.

The Draft EIR addressed overcrowding of schools in Section 3.12, traffic in Section 3.14, and air quality in Section 3.3. Please refer to these sections for a description of the potential impacts resulting from the proposed project.

RTC RCMC-2 Please see Topical Responses 6 and 8 regarding schools. Please see Topical Response 11 regarding alternatives. Your comment will be included in the Final PEIR and provided to the decision-makers for review and consideration during their deliberations of whether or not to approve the Proposed Project.



RISI

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MAR 27 2006

CITY OF LAKE FOREST
DEVELOPMENT SERVICES DEPT

LAKE FOREST OPPORTUNITIES STUDY
DRAFT EIR
COMMENT CARD
(PLEASE PRINT)

Name: Richard D. Simpson, JR. (949) 768-1676Address: 25561 Orchard Rim Lane
Lake Forest, CA 92630Date: 3/26/07Comments: These comments relate to the "proposed" development of approx. 700 acres of vacant land near Foothill Ranch. These acres were previously impacted by the now closed El Toro Marine Air Base.

My concerns relate to substantially increased development without proper mitigation for water run-off. Present development proposals will substantially increase "up stream" water being deposited into Serrano Creek, which runs immediately behind my home.

At the time I moved into my house in Dec. 1980 Serrano Creek was a small meandering creek that I could easily cross from bank to bank. Due to up stream development that did not take into account the impact of depositing surface water run-off into Serrano Creek, "Serrano Creek" has turned into a dangerous & often raging, storm engorged stream. The banks are now deeply eroded (which pose a safety hazard) and the distance has increased to approx. 50 yards. Additional up stream development will only exacerbate this already unacceptable situation. Water run-off

MAIL COMMENTS TO:

CITY OF LAKE FOREST, DEVELOPMENT SERVICES

ATTN: GAYLE ACKERMAN

25550 COMMERCENTRE DRIVE, SUITE 100

LAKE FOREST, CA 92630

OR E-MAIL TO:

Opportunities_Info@ci.lake-forest.ca.us

City of Lake Forest Opportunities Study Program EIR

mitigation must be imposed on any and all development so that Serrano Creek does not carry additional storm run-off water.

Richard D Simpson Jr.

Please return written comments to the City

by March 27, 2006

■ **Response to Comments: RISI1**

RTC RISI1-1 Please see Topical Response 5 which addresses existing hydrological conditions and Topical Response 6 which addresses Serrano and Aliso Creeks.

RIS12

Ackerman, Gayle

From: The Simpsons [simpsons@covad.net]
Sent: Monday, March 27, 2006 8:18 AM
To: Opportunities_Info
Subject: Draft EIR For 700 Acres Near Foothill Ranch

I have lived in my home in the Citrus Lane Community Association since December 1980. I have personal anecdotal evidence of the deleterious impact of surface water run off on Serrano Creek.

Please understand that ANY upstream development that increases surface water run off into Serrano Creek is unacceptable.

Since 1980, Serrano Creek has morphed from a small meandering creek into a huge gaping canyon that is a raging river during periods of heavy rain. The erosion has caused the undermining of huge trees along with substantial portions of adjacent land. In 1980, the creek banks were gently sloping and I could easily traverse from one bank to the other. I could easily jump across the creek from bank to bank. Now, the banks are steeply sloped (in many places almost vertical) and fifteen to twenty feet deep. The distance from bank to bank is at least 50 yards, and more in many places. The destruction and danger has been well documented and the subject of many studies, etc. A few years ago, stream erosion mitigation measures were undertaken in an effort to slow down the raging waters. Despite this "band-aid", bank erosion has continued.

It is inconceivable that additional up-stream development will be approved that in any way will increase the amount of surface water run-off into Serrano Creek. Development approval MUST be conditioned on water-run off mitigation measures that take into account the serious problem that already exists. Surface water run-off from this proposed development area cannot be allowed to exacerbate this already unacceptable condition.

Richard Simpson
25561 Orchard Rim Lane
Lake Forest, CA 92630
(949) 768-1676

■ Response to Comments: RISI2

RTC RISI2-1 Please see Topical Response 5 which addresses existing hydrological conditions and Topical Response 6 which addresses Serrano and Aliso Creeks. Your comment will be included in the Final PEIR and provided to the decision-makers for review and consideration during their deliberations of whether or not to approve the Proposed Project.

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MAR 22 2006

CITY OF LAKE FOREST
DEVELOPMENT SERVICES DEPT



RJWO

LAKE FOREST OPPORTUNITIES STUDY
DRAFT EIR
COMMENT CARD
(PLEASE PRINT)

Name: RAY & JENNIFER WOODSEY

Address: 25621 ORCHARD RIM LANE
LAKE FOREST

Date: 3/21/06

Comments: OUR BACKYARD IS RIGHT ON SERRANO CREEK.
ALTHOUGH THERE IS A DISTANCE OF ABOUT 30-40 YARDS,
~~ERODE~~ IT WOULDN'T TAKE MUCH FOR THAT TO ERODE
AWAY. SOME OF OUR NEIGHBORS HAVE VERY LITTLE
DISTANCE FROM THE CREEK. WE ARE ALL CONCERNED
ABOUT ADDITIONAL DRAINAGE & RUNOFF FROM THE
PROPOSED NEW DEVELOPMENT.

SERRANO CREEK SHOULD BE TOTALLY REEVALUATED
& FIXED APPROPRIATELY BEFORE NEW DEVELOPMENT
TAKES PLACE THAT WOULD THREATEN EXISTING
HOUSES ALONG THE CREEK.

EMERGENCY MEASURES WERE TAKEN LAST YEAR ON THE
WEST SIDE OFF THE CREEK, JUST OPPOSITE FROM OUR HOME.
THE HEAVY RAINS CAUSED SIGNIFICANT EROSION & HAD TO
BE REPAIRED. WE DON'T WANT TO WAIT FOR AN EMERGENCY.

MAIL COMMENTS TO:
CITY OF LAKE FOREST, DEVELOPMENT SERVICES
ATTN: GAYLE ACKERMAN
25550 COMMERCENTRE DRIVE, SUITE 100
LAKE FOREST, CA 92630
OR E-MAIL TO:
Opportunities_Info@ci.lake-forest.ca.us

Please return written comments to the City
by March 27, 2006
8-482

■ Response to Comments: RJWO

RTC RJWO-1 Your comment will be included in the Final PEIR and provided to the decision-makers for review and consideration during their deliberations of whether or not to approve the Proposed Project.

Please see Topical Response 5 which addresses existing hydrological conditions and Topical Response 6 which addresses Serrano and Aliso Creeks.

Issues pertaining to erosion and drainage at Serrano Creek and other local areas are addressed in Chapter 3.6 – Geology, Soils, and Mineral Resources and Chapter 3.8 – Hydrology and Water Quality. Specifically, Impact 3.6-5 in the Geology and Soils Chapter discusses the loss of topsoil and erosion caused by the proposed project. This impact would be considered less than significant after compliance with all applicable regulations as listed in the Planning and Regulatory Framework section (3.6.3). Impacts 3.8-1 and 3.8-4 in the Hydrology and Water Quality chapter both discuss the increased runoff and water quality issues caused by the proposed project. The impact to increased runoff would be considered less than significant with implementation of specified mitigation measures (MM 3.8-1) and the impact to water quality would be considered significant and unavoidable.



RLBA

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MAR 23 2006

CITY OF LAKE FOREST
DEVELOPMENT SERVICES DEPT

**LAKE FOREST OPPORTUNITIES STUDY
DRAFT EIR
COMMENT CARD
(PLEASE PRINT)**

Name: Rick + Lori BartlettAddress: 25511 Orchard Rim Ln.
Lake Forest, CA 92630Date: 3-21-06

Comments: We have lived in our home since 1979. When we first moved in, there were empty hills surrounding us & the creek was only about 1-2 feet below the level of the rest of the land. It was also only about 10' across. Now that all the homes & businesses drain into the creek it is 15-20 feet below the rest of the land & 30-40 feet across. We ~~are~~ not against building in any way. But we do feel that before any more building & drainage occurs, the erosion problem of both Serrano & Aliso Creek must be addressed in order to preserve the land & property of the existing homes. Behind our home, the erosion is so bad that we have already had 2 eucalyptus trees drop into the creek & more will follow if the problem is not addressed. We have loved living in Lake Forest all these years and hate to see our property destroyed because problems, such as the additional drainage, have not been considered. Please do a study on the consequences of the additional drainage before you approve the new build out.

Sincerely,

Rick + Lori Bartlett

MAIL COMMENTS TO:
CITY OF LAKE FOREST, DEVELOPMENT SERVICES
ATTN: GAYLE ACKERMAN
25550 COMMERCENTRE DRIVE, SUITE 100
LAKE FOREST, CA 92630
OR E-MAIL TO:
OpportunitiesInfo@cityoflakeforest.ca.us

Please return written comments to the City
by March 27, 2006

8-484

■ Response to Comments: RLBA

RTC RLBA-1 Issues pertaining to erosion and drainage are addressed in Chapter 3.6 – Geology, Soils, and Mineral Resources and Chapter 3.8 – Hydrology and Water Quality. Specifically, Impact 3.6-5 discusses the loss of topsoil and erosion caused by the proposed project. This impact would be considered less than significant after compliance with all applicable regulations as listed in the Planning and Regulatory Framework section (3.6.3). Impacts 3.8-1 and 3.8-4 both discuss the increased runoff and water quality issues caused by the proposed project. The impact to increased runoff would be considered less than significant with implementation of specified mitigation measures and the impact to water quality would be considered significant and unavoidable.

Please see Topical Response 5 which addresses existing hydrological conditions and Topical Response 6 which addresses Serrano and Aliso Creeks.

ROBR

49

Ackerman, Gayle

From: Robert Bray [rbray@elm-group.com]
Sent: Sunday, March 19, 2006 5:23 PM
To: Opportunities_Info
Subject: Development of Portola Hills Center

As a resident of Portola Hills since 1992 I would like to voice my concerns to the planned development of Portola Center. Based on my review of the Environmental Impact Report related to the development, I am concerned with the number of residences proposed for Portola Center and the affect it may have on the community. As I understand the current plan calls for approximately 1,132 units (466 apartments, 525 homes, and 141 attached homes) which will ultimately double the size of the Portola Hills community. Based on the information in the EIR and knowledge of the area I have the following concerns.

- The increase in population may result in overcrowding of Portola Hills Elementary school. The EIR did address impact to schools in the Saddleback Valley Unified School District but not Portola Hills Elementary which would be directly impacted.
- The amount of open space and the location of open space in proposed plan is primarily hill sides which cannot be developed. A development should provide open space to support existing wildlife and vegetation.
- The EIR does not talk in detail about proposed mitigation measures for wetlands and habitat. In all likelihood these measures will include funding or purchasing of land in another area vs. measures in the surrounding community.

In conclusion, I do prefer a residential alternative to the commercial zoning which currently exist, however any development should be done in a responsible fashion which is not reflected in the proposed plan. I would prefer a plan which has less residential units and more responsible planning of the environmental issues.

Thank you for your time.

Respectfully,

Robert Bray
949.858.5868 Office
949.887.3793 Mobile

■ Response to Comments: ROBR

- RTC ROBR-1 Please see Topical Response 7 which explains the change in allowable density that would result from the project and addresses concerns in the Portola Hills area.
- RTC ROBR-2 Please see Topical Response 8 which addresses school issues. The provision of open space and impacts to biological resources is addressed. Section 3.4, Impacts 3.4-1 to 3.4-6 of the Draft EIR, which determined that impacts related to the availability of habitat, would be less than significant with mitigation. Mitigation Measures MM 3.4-1 to MM 3.4-5 provide for the identification, preservation, and compensation for the loss of open space that includes habitat and movement corridors for sensitive and more common species, as well as wetland and riparian areas. Implementation of these measures would ensure the population of adequate open space with sufficient habitat value for identified species.
- RTC ROBR-3 Mitigation Measure 3.4-4 addresses impacts to wetlands and aquatic habitats. As stated in Mitigation Measure 3.4-4(c), the Restoration Plan could include on- or off-site construction of wetlands, contribution of funds to a local mitigation bank, or restoration of existing yet relatively poor-quality wetlands. It is speculative to discuss specific locations of restoration wetlands at this time due to the preliminary nature of this program-level EIR, as well as the need for mitigation only when development would occur in areas that could affect wetlands.

Your comment will be included in the Final PEIR and provided to the decision-makers for review and consideration during their deliberations of whether or not to approve the Proposed Project or one of the alternatives.

RORI

SM

Ackerman, Gayle

From: Robin [robin@wearableimaging.com]
Sent: Sunday, March 19, 2006 1:51 PM
To: Opportunities_Info
Subject: Portola hills

Attn:
Gayle Ackerman
We just received a flyer in our neighborhood announcing possible new home development. } 1
Whom do I express my concern to? Robin Richter

--
Robin Richter
Wearable Imaging
949 888-7837
949 888-7831 fax
<http://www.wearableimaging.com>

■ Response to Comments: RORI

RTC RORI-1 Information about the proposed project is available at: <http://www.city-lakeforest.com/opportunitiesstudy/about.php> Comments, questions or concerns should be directed to: Ms. Gayle Ackerman, Development Services Director, City of Lake Forest Development Services Department gackerman@ci.lake-forsest.ca.us or Fax: (949) 461-3512.



ROTI

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MAR 20 2006

CITY OF LAKE FOREST
DEVELOPMENT SERVICES DEPT

**LAKE FOREST OPPORTUNITIES STUDY
DRAFT EIR
COMMENT CARD
(PLEASE PRINT)**

Name: Robert L. Tillmans (949-951-7930)

Address: 25601 Orchard Rim Lane
Lake Forest

Date: March 16, 2006

Comments: Over the past 10 to 15 years, Serrano Creek has eroded at an increasing rate due to the development of the Foothill Ranch and Portolo Hills areas. Increased run-off due to developed areas has caused the creek area to both widen and deepen until now there are the following huge safety issues:

1. There are many areas where there are steep banks, posing safety issues to people in the vicinity.

2. Homes are being threatened due to the encroachment of the creek and undermining of the soil.

3. Because the area has been allowed to grow without any management, a big rainfall as we have had in the past could knock down many trees and cause the brush, trees and debris to dam the creek at a narrow spot such as under Trabuco Road. The force of the water could then damage the roadway.

4. The creek has areas of "standing water" where mosquitos are allowed to thrive, causing the threat of diseases carried by these insects.

MAIL COMMENTS TO:
CITY OF LAKE FOREST, DEVELOPMENT SERVICES
ATTN: GAYLE ACKERMAN
25580 COMMERCENTRE DRIVE, SUITE 100
LAKE FOREST, CA 92630

OR E-MAIL TO:
Opportunities info@ci.lake-forest.ca.us

Please return written comments to the City
by March 27, 2006



**LAKE FOREST OPPORTUNITIES STUDY
DRAFT EIR
COMMENT CARD
(PLEASE PRINT)**

Name: _____

Address: _____

Date: _____

Comments: _____ **Page 2:** _____

The development in the study area will only increase these problems. When talking to Lake Forest city personnel and project consultants they acknowledge the problem but agree it is not addressed in the EIR.

I would ask that no further development be allowed until the current situation below (south of) the study area is remedied. This would be along the Creek from Trabuco Road to Dimension, all of which is in Lake Forest.

As I found out there are many government agencies and entities involved that are hindering the improvement of this area. This bureacratic postering has become a safety issue that has been increasing with each rainfall over the past 10 to 15 years. Continuing ineptness by our elected and appointed officials, including city personnel, to come together and resolve the issue is very disheartening.

The EIR must address and resolve this issue. Improving one area to the detriment of another is not how a city concerned about its citizens should act.

5

MAIL COMMENTS TO:
CITY OF LAKE FOREST, DEVELOPMENT SERVICES
ATTN: GAYLE ACKERMAN
25550 COMMERCENTRE DRIVE, SUITE 100
LAKE FOREST, CA 92630
OR E-MAIL TO:
Opportunities_Info@ci.lake-forest.ca.us

Please return written comments to the City
by March 27, 2006

■ **Response to Comments: ROTI**

- RTC ROTI-1 Please see Topical Response 1 which explains that the purpose of the Draft PEIR is to assess the impacts of the proposed project, not to address existing conditions.
- RTC ROTI-2 Please see Topical Response 1 which explains that the purpose of the Draft PEIR is to assess the impacts of the proposed project, not to address existing conditions.
- RTC ROTI-3 Please see Topical Response 1 which explains that the purpose of the Draft PEIR is to assess the impacts of the proposed project, not to address existing conditions.
- RTC ROTI-4 Please see Topical Response 1 which explains that the purpose of the Draft PEIR is to assess the impacts of the proposed project, not to address existing conditions.
- RTC ROTI-5 Please see Topical Response 6 which addresses issues associated with Serrano Creek. See also Section 3.8 of the Draft PEIR which address hydrology and water quality. Your comment will be included in the Final PEIR and provided to the decision-makers for review and consideration during their deliberations of whether or not to approve the Proposed Project.

RUKI

Page 1 of 3

Ackerman, Gayle

From: Ruth Kim [r1mk1@cox.net]
Sent: Wednesday, March 22, 2006 10:16 PM
To: Opportunities_Info
Subject: Proposed Development for Portola Hills

*Memo PI
3B3*

Ms. Gayle Ackerman,

(NOTE: Please disregard the incomplete draft of this e-mail sent to you on Wednesday, March 22, 2006 at 9:05pm)

The purpose of this memo is to express my deep concern regarding the planned development in the Portola Hills area as proposed by the Lake Forest Opportunities Study. I was aware of but unable to attend the Open House last week. I am a current resident and original homeowner who has lived in Portola Hills for over 16 years. I serve in NO official capacity on my homeowner's association board or at the elementary school. My concerns expressed below are that of a parent, homeowner, school volunteer and community volunteer.

DENSITY

It is my understanding that proposed development plans call for adding 1,132 homes. Our current community has about 2,000 homes so this proposal increases our community by 50 percent. In 1997 the Baldwin Co. proposed a build-out that included 600 homes in the same area. At the time of the 1997 proposal there were many concerns regarding traffic and accommodating the additional students in current schools. The current proposal has twice the number of units as proposed 10 years ago.

- What has changed to allow twice the number of units?
- Is Lake Forest attempting to solve current city housing issues in the limited space of Portola Hills?

SCHOOL OVERCROWDING

I currently have students at Portola Hills Elementary and Serrano Intermediate. One of my greatest concerns is that of where the new students will attend school. The Saddleback Valley Unified School District (SVUSD) plans to absorb the additional students into existing schools. This is unacceptable as Serrano Intermediate is overcrowded and Portola Hills Elementary (PHE) can not be considered a viable school site due to land movement issues.

PHE has had land movement issues over the last few years. This has resulted in the closer of at least 10 classrooms. The lost classrooms have been replaced by portable units which has significantly reduced the playground area. Our school's future is in limbo, while our children are attending a school with less than ideal facilities that continue to deteriorate. Our school's Measure B money (school bond for facilities improvements) has been put on hold resulting in the lost value of current/future improvements while other SVUSD schools enjoy capital improvements. It should be noted that the Baldwin Co., as the original Portola Hills developers, is responsible for the original grading and thus current land movement. As the statute of limitations has run out, the Baldwin Co. has not done anything to assist our school in resolving this matter.

- Where will the students of the new development attend elementary and secondary schools?
- If Portola Hills Elementary must be closed where will current and new students attend elementary school?
- Will the Baldwin Co. be required to set aside an elementary school site in the new development?
- Will the new homeowners be assessed a Mello Roos type tax to fund the increase in enrollment?
- Will the Baldwin Co. be required to "do the right thing" and fix the current Portola Hills Elementary School before being allowed to commence the proposed development?

MELLO ROOS TAXES

The current Portola Hills homeowners pay a significant amount of Mello Roos taxes. Our Mello Roos taxes pay back bonds which were used for the construction of the elementary school, foothill traffic circulation and water

districts. I am concerned that with the new development our tax bond will be increased in length of time and/or dollars to fund required improvements.

- Will the current Portola Hills landowners have an increase in existing Mello Roos taxes?
- Will new residents of the proposed development have a Mello Roos bond on their property?

TRAFFIC

I am very concerned regarding the traffic that will be generated by the new residents of the proposed development and the retail center. There will be significant increases at all points along Glenn Ranch Rd. including El Toro Rd., Saddleback Ranch Rd., and Portola Pkwy. If a retail center is included, this will also bring a different type of car trips per day into the area. In addition, the traffic along Portola Parkway between the 241 Toll Way interchange and Bake Parkway is currently unmanageable at peak commuting hours. Intersections are gridlocked and it is difficult to get in and out of my neighborhood entrance.

- Will the proposed development include significant changes to the existing traffic patterns at Glenn Ranch Rd. and Saddleback Ranch Rd.?
- Will the proposed development be delayed until the extension of Alton Parkway up to the 241 Toll Way is completed to relieve the current traffic on Portola Parkway?

THE BALDWIN COMPANY

It is my understanding, based on City of Lake Forest material and articles in the local newspaper, that the Baldwin Co. is the current landowner and developer of the proposed "Portola Center" area. Many current Portola Hills homeowners do not look kindly on any proposed development by the Baldwin Co. Based on our past experiences we do not trust their word or their ability to perform. There are several areas of land movement and slope failure in Portola Hills including, but not limited to, the elementary school, behind homes abutting Whiting Ranch, various streets, and the Portola Hills II recreation center has a swimming pool that is slipping down the slope it was built on.

My understanding is that the Baldwin Co. was the original developer of Portola Hills and responsible for the grading of the area. (NOTE: I do not live in a home built by the Baldwin Co.) There is also the matter of Concourse Park, which is the community park long promised in our neighborhood but never built by the Baldwin Co. despite the fact there was a large amount of money set aside for this purpose. The Concourse Park was finally built by the City Lake Forest, after the annexation of our community. It is these types of issues and experiences that taint our belief and trust in the Baldwin Co. to properly develop the remaining portion of Portola Hills.

- Will the City of Lake Forest hold the Baldwin Co. accountable for the current and continuing land movement in Portola Hills?

I would appreciate a reply regarding how the City of Lake Forest will be responding to my questions and concerns outlined above.

Ruth Kim

■ **Response to Comments: RUKI**

- RTC RUKI-1 Please see Topical Response 7 which explains the change in development density in the Portola Hills area that would result from the proposed project.
- RTC RUKI-2 Please see Topical Response 7 which addresses concerns in the Portola Hills area, including schools and Topical Response 8 regarding schools.
- RTC RUKI-3 Please see Topical Response 7 which addresses concerns in the Portola Hills area including Mello Roos.
- RTC RUKI-4 Please see Topical Response 7 which addresses concerns in the Portola Hills area including traffic and Topical Response 9 regarding traffic.
- RTC RUKI-5 Please see Topical Response 10 regarding landslide issues.

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SAKI

Ackerman, Gayle

From: Kimball, Sandie
Sent: Tuesday, March 21, 2006 11:10 AM
To: Opportunities_Info
Subject: Request from LF resident/Shirley England

We received a call this morning from a Lake Forest resident by the name of Shirley England who wants more specific information on the redevelopment of the nursery on Rancho Parkway/Bake Parkway and the Opportunities Study. She can be reached at (949) 770-1645.

]

1

Thanks,

Sandie

■ **Response to Comments: SAKI**

RTC SAKI-1 Information about the EIR and the Opportunity Study are located on a City of Lake Forest website specifically targeted at this project (<http://www.city-lakeforest.com/opportunitiesstudy/>). For all other inquires please contact the City Development Services Department, Planning Division.

This letter does not contain any specific comments on the Draft PEIR and is simply a request for information. See also Response to Comment SHEN.

SHBR

11.
Ackerman, Gayle

From: Shari Bridgman [sbridgman@cox.net]
Sent: Friday, March 03, 2006 10:39 AM
To: Opportunities_Info
Subject: New Homes planned for portola Hills

Gayle Ackerman:

I just found out today that 1,132 housing units are planned for our community Portola Hills. I want to go on record as **STRONGLY OPPOSED** to this for many reasons including: overcrowded schools, traffic congestion, parking problems, and lower property values.] 1

Please give us a public hearing here in Portola Hills so we can discuss our concerns.] 2

Shari Bridgman

■ Response to Comments: SHBR

- RTC SHBR-1 Your comment will be included in the Final PEIR and provided to the decision-makers for review and consideration during their deliberations of whether or not to approve the Proposed Project. Please also see Topical Response 7 which addresses concerns in the Portola Hills area.
- RTC SHBR-2 Please see Topical Response 12 which explains the public participation process for the project. A hearing will be held prior to adoption of the Final PEIR and any action on the project.

SHEN

Page 1 of 1

Shirley England*hand delivered*

From: "Shirley England" <ptlengland@cox.net>
 To: <info@ci.lake-forest.ca.us> *- not working*
 Cc: "Shirley England" <ptlengland@Cox.net>
 Sent: Thursday, March 23, 2006 9:41 AM
 Subject: EIR Request for clarification.

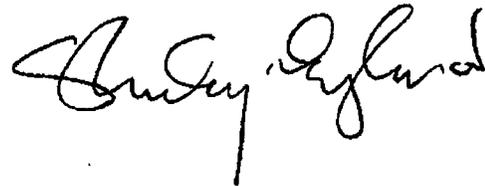
As a homeowner in the Lake Forest area next to Serrano Creek, I am most interested in this report. I obtained the CD of the report at the City of Lake Forest offices.

Referring to Impact 3.8-1, 3.8-2, 3.8-3, in the Hydrology and Water Quality Mitigation measures: these three sections state in no uncertain terms that severe problems could result if..... no mitigation changes take place.

In the many years I have lived in this area I have observed the damage a flood can do to the area adjacent to Serrano Creek. Since that time.... there has never been ADEQUATE measures taken to prevent damage this type of flooding can do along the creek. It took out banks, trees, and eventually will take out homes. The City Engineer of Lake Forest can submit plans but Lake Forest is not going to pay for preventive measures or damage resulting from future flooding. Who is going to plan, pay, implement and then assure Lake Forest that there will be no adverse effects. I would really like to have this clarified.

This type of improvement must be done before construction starts..... once the foot is in the door the game is over. Without a written and enforceable agreement... I vote NO. Due diligence demands more for our community.

Thank you, Shirley England, 25201 Birch Grove Lane, Lake Forest, CA 92630 770-1645



■ Response to Comments: SHEN

RTC SHEN-1 Your comment will be included in the Final PEIR and provided to the decision-makers for review and consideration during their deliberations of whether or not to approve the Proposed Project.

Please see Topical Response 5 which addresses existing hydrological conditions and Topical Response 6 which addresses Serrano and Aliso Creeks. See also Topical Response 3 which details project design features and standard conditions of approval.

Issues pertaining to erosion and drainage at Serrano Creek and other local areas are addressed in Chapter 3.6 – Geology, Soils, and Mineral Resources and Chapter 3.8 – Hydrology and Water Quality. Specifically, Impact 3.6-5 in the Geology and Soils Chapter discusses the loss of topsoil and erosion caused by the proposed project. This impact would be considered less than significant after compliance with all applicable regulations as listed in the Planning and Regulatory Framework section (3.6.3). Impacts 3.8-1 and 3.8-4 in the Hydrology and Water Quality chapter both discuss the increased runoff and water quality issues caused by the proposed project. The impact to increased runoff would be considered less than significant with implementation of specified mitigation measures (MM 3.8-1) and the impact to water quality would be considered significant and unavoidable.

SHPO

CC (all)
H. Ackerman

RECEIVED
CITY OF LAKE FOREST
CITY CLERK'S OFFICE

19275 Terrace View Circle, Trabuco Canyon, CA 92618
Shawnenc@cox.net

March 26, 2006

06 MAR 27 P4 06

Richard T. Dixon, Mayor of Lake Forest
Lake Forest City Hall
25550 Commercentre D., Suite 100
Lake Forest, CA 92630

Dear Mr. Dixon,

First of all, I want to thank you for all the years of service you have provided since we have voted you into office as Mayor of Lake Forest. I am presently writing because of my concern over the planned housing, Portola Center, in Portola Hills area at Glenn Ranch Road and Saddleback Ranch Road.

We have been reading up on the planned area and have concerns over the density of the proposed housing and traffic congestion with so many units. Our local school, Portola Hills Elementary, is already over capacity with traffic issues during school hours. The roads leading into Portola Hills (El Toro/Glenn Ranch and Portola/Glenn Ranch) are so heavy with traffic that it is difficult getting in and out of the area at peak hours. Has the City completed traffic studies of these feeder roads?

1

There are also present issues with poor slope stabilization in Portola Hill where there are homes Baldwin has built. A more concerning issue is the Portola Hills Elementary school slopes that are sliding and causing building failures. There are scaffolding areas throughout the school buildings attempting at safety. Has Baldwin remedied this problem yet? What are Baldwin's plans for avoiding future slope slippage? Baldwin never built the promised Concourse Park - the City of Lake Forest finally stepped in and built the long-awaited park.

2

Has the City of Lake Forest considered decreasing the number of housing units? Why not consider the original plan of around 500 units with larger sized single-family homes? Portola Elementary is already at peak enrollment with portables taking up much needed play areas due to unsafe, unusable school buildings. More portables would be needed to accommodate the much higher enrollment of the high density proposal, further eliminating field and play areas.

3

We would like to be notified about the public hearings so we can be a part of the decisions that will affect our neighborhood. Thank you for your consideration of our concerns. We look forward to working with you and the City of Lake Forest.

4

Sincerely,

Shawnenc Polenske

cc: Gayle Ackerman

■ Response to Comments: SHPO

RTC SHPO-1 Your comment will be included in the Final PEIR and provided to the decision-makers for review and consideration during their deliberations of whether or not to approve the Proposed Project. Please also see Topical Response 7 which explains the change in allowable density that would result from the project and addresses concerns in the Portola Hills area.

This comment states that the proposed increase in density of homes in the Portola Center would worsen the existing traffic problems in the area. Section 3.14 (Transportation/Traffic) of the EIR analyzed the potential impacts resulting from the proposed project (including the increase in density within Portola Hills). It should be noted that the Proposed Project includes not only the land uses identified for the project sites, but also adoption of the Lake Forest Transportation Mitigation (LFTM) Program which includes a set of traffic improvements that are a part of the Proposed Project. Thus, Section 3.14 used both existing and projected traffic conditions to analyze the potential for impacts. Potential effects include those associated with increased congestion on roadways, intersections, and on the ramps and segments of freeways/tollways. However, the Traffic Study performed for the proposed project ultimately determined that all traffic impacts would be less-than-significant, with adherence to the LFTM, which is part of the proposed project.

RTC SHPO-2 Please see Topical Response 7 which addresses concerns in the Portola Hills area including schools and slope stability.

This comment states that the Baldwin Brothers in Portola Hills have a history of poor performance in the area with respect to grading and land preparation for development sites. Section 3.06 (Geology, Soils, and Mineral Resources) of the EIR analyzed the potential impacts to geology and soils in order to ensure that future development under the Proposed Project would not result in impacts (similar to what were identified in this comment.) All future development would be constructed in accordance with statutory requirements. It is recognized that landsliding, whether induced by seismic, meteorological, or human activity, is a real and serious concern of the City and the community. Nonetheless, it is unnecessary for the EIR to present an extensive history of grading activities and landslide locations in, or near, the Project Area to substantiate the necessity for the required compliance with the City's building and construction regulations or the necessity for appropriate oversight of future grading activities.

RTC SHPO-3 Please see Topical Response 11 regarding alternatives and Topical Responses 6 and 8 regarding schools.

RTC SHPO-4 Please see Topical Response 12 regarding noticing and the public participation process. You have been added to the mailing list. Up-to-date information regarding the proposed project is also available on the City's website at: <http://www.city-lakeforest.com/opportunitiesstudy/about.php>

SLBR

March 24, 2006

RECEIVED
CITY OF LAKE FOREST
CITY CLERK'S OFFICE

M. Ackerman

Richard T. Dixon, Mayor
Mark Tettemer, Mayor Pro Tem
Peter Herzog, Council Member
Kathryn McCullough, Council Member
Marcia Rudolph, Council Member
Lake Forest City Hall
25550 Commercentre Drive, Suite 100
Lake Forest, CA 92630

06 MAR 27 P4:04

Dear City Council:

We are concerned about the planned development for Portola Hills as proposed by the Lake Forest Opportunities Study. We are current residents and homeowners in Portola Hills, having lived here since 1992.

DENSITY: It is our understanding that the proposal will add 1,132 homes to our immediate community. Currently, Portola Hills has about 2,000 homes, so this proposal increases our community by 50 percent! In 1997, Baldwin Co. proposed a build-out that included 600 homes in the same area. Even in 1997 with only 600 homes planned, there were many concerns regarding traffic and overcrowded schools. The current proposal has twice as many units planned as the 1997 proposal. What has changed to allow twice the number of units? Why has the 600 home plan been abandoned? Why is a 20 percent increase in Lake Forest population slated to occur on property that only accounts for eight percent of city land?

1

SCHOOL OVERCROWDING: Next school year, we will have students at Portola Hills Elementary, Serrano Intermediate, and El Toro High. The Saddleback Valley Unified School District plans to absorb the additional students into existing schools. How is this possible when Serrano, Trabuco Hills High, and El Toro High are already overcrowded? Not only is Portola Hills Elementary overcrowded, it also has land movement problems resulting in the closure of at least 10 classrooms. New portable classrooms have significantly reduced the playground. Our school's Measure B money (school bond for facilities improvements) has been put on hold, resulting in the lost value of current/future improvements while other SVUSD schools enjoy improvements. It should be noted that Baldwin Co., as the original Portola Hills developer, is responsible for the original grading and thus the current land movement. Since the statute of limitations has run out, Baldwin Co. has refused to fix the problems. Where will the students of the new development attend school? If PHE must be closed for repairs, where will the current and new students attend school? Will Baldwin Co. be required to set aside an elementary school site in the new development? Will the new homeowners be assessed a Mello Roos type tax to fund the increase in students?

2

MELLO ROOS TAXES: Current Portola Hills homeowners pay a significant Mello Roos tax. Our Mello Roos taxes pay back bonds which were used for the construction of

3

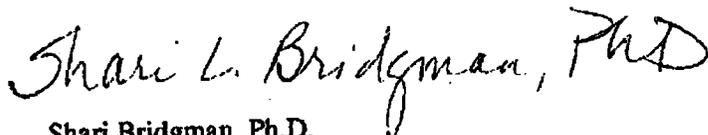
the elementary school, foothill traffic circulation, and water districts. We are concerned that our Mello Roos will be increased in length of time/or dollars to fund required improvements. Will the current Portola Hills homeowners have an increase in Mello Roos taxes? 3

TRAFFIC: We are concerned about the volume of traffic the proposed development will involve. There will undoubtedly be a significantly higher volume of traffic on Glenn Ranch Rd, El Toro Rd, Portola Pkwy, and Saddleback Ranch Rd (which is right in front of the elementary school). Will the proposed development include new stop lights? If so, where? How will increased traffic noise and congestion be mitigated? How will our children be safe when walking to and from school on such a busy road? 4

Please consider our questions and respond. Thank you for your time.

Sincerely,


Laird Bridgman, Psy.D.


Shari Bridgman, Ph.D.

■ Response to Comments: SLBR

- RTC SLBR-1 Your comment will be included in the Final PEIR and provided to the decision-makers for review and consideration during their deliberations of whether or not to approve the Proposed Project. Please also see Topical Response 7 which explains the change in allowable density that would result from the project and addresses concerns in the Portola Hills area.
- RTC SLBR-2 Please see Topical Response 7 which addresses concerns in the Portola Hills area including schools, land movement, and Mello Roos. Please also see Topical Response 8 regarding schools and Topical Response 10 regarding landslides.
- RTC SLBR-3 Please see Topical Response 7 which addresses concerns in the Portola Hills area including Mello Roos.
- RTC SLBR-4 Please see Topical Response 7 which addresses concerns in the Portola Hills area including traffic and Topical Response 9 regarding traffic. Impacts related to future traffic noise were analyzed in Draft EIR Section 3.10. Impact 3.10-4 found that cumulative traffic noise could substantially increase ambient noise levels in the project area, but implementation of Mitigation Measure 3.10-2 would reduce potential impacts to a less-than-significant level.

SOMO

RECEIVED

MAR 27 2006

CITY OF LAKE FOREST
DEVELOPMENT SERVICES DEPT



LAKE FOREST OPPORTUNITIES STUDY
DRAFT EIR
COMMENT CARD
(PLEASE PRINT)

Name: SODABEH MOAYEDGHYASY

Address: 25216 BIRCH GROVE LN.
LAKE FOREST, CA 92630

Date: 3/24/06

Comments: AS A LAKE FOREST RESIDENT, I AM CONCERNED
ABOUT DRAINAGE AND RUN-OFF SITES AND THEIR IMPACT
ON SERRANO CREEK. I WOULD LIKE YOU TO TAKE SERRANO CREEK'S
EROSION PROBLEM AND WAYS TO CONTROL THIS PROBLEM UNDER
CONSIDERATION.

MAIL COMMENTS TO:
CITY OF LAKE FOREST, DEVELOPMENT SERVICES
ATTN: GAYLE ACKERMAN
26550 COMMERCENTRE DRIVE, SUITE 100
LAKE FOREST, CA 92630
OR E-MAIL TO:
Opportunities_Info@ci.lake-forest.ca.us

Please return written comments to the City
by March 27, 2006

■ Response to Comments: SOMO

RTC SOMO-1 Please see Topical Response 5 which addresses existing hydrological conditions and Topical Response 6 which addresses Serrano and Aliso Creeks.

Issues pertaining to erosion and drainage at Serrano Creek and other local areas are addressed in Chapter 3.6 – Geology, Soils, and Mineral Resources and Chapter 3.8 – Hydrology and Water Quality. Specifically, Impact 3.6-5 in the Geology and Soils Chapter discusses the loss of topsoil and erosion caused by the proposed project. This impact would be considered less than significant after compliance with all applicable regulations as listed in the Planning and Regulatory Framework section (3.6.3). Impacts 3.8-1 and 3.8-4 in the Hydrology and Water Quality chapter both discuss the increased runoff and water quality issues caused by the proposed project. The impact to increased runoff would be considered less than significant with implementation of specified mitigation measures (MM 3.8-1) and the impact to water quality would be considered significant and unavoidable.

SSPO

50 Ackerman, Gayle

From: Shawnene [shawnene@cox.net]
Sent: Friday, March 17, 2006 11:57 AM
To: Ackerman, Gayle
Subject: Concern regarding development in Portola Hills

----- Original Message -----

From: Shawnene
To: Opportunities_Info@ci.lake-forest.ca.us
Sent: Friday, March 17, 2006 10:28 AM
Subject: Concern regarding development in Portola Hills

To: 'Opportunities_Info@ci.lake-forest.ca.us'
Subject: Concern regarding development in Portola Hills

Attn: Gayle Ackerman, Director of Development Services

We have been residents in Portola Hills for over 13 years. We recently heard about the proposed plans to develop over 1,100 additional new homes in Portola Hills. We knew there would be more development but this figure seems excessive as this would increase the size of our community by 50%! Ten years ago, the proposal was around 600 new homes. This is almost double the original figure. We are particularly concerned about the 466 high density apartments that are included in the proposal. We have heard that these are higher density than anything else in Lake Forest. We already have 3 pretty high density condominium complexes in Portola Hills. Traffic during commute hours will make access in an out of Portola Hills (Portola Pkwy at Glenn Ranch and El Toro at Glenn Ranch and Saddleback Ranch Rd at Glenn Ranch) a major concern.

We currently already have a traffic congestion problem during school drop off and pickup. This problem significantly increased when Painted Trails students were added to our elementary because they all have to drive their children in. The city also eliminated a lot of parking along both sides of Saddleback Ranch Road (in front of the school) and further up Fawn Ridge which made drop off even more challenging for Portola Hills Students. The wait can be over 15 minutes in traffic just trying to get past the school on Saddleback Ranch during the 7:40-8 and 2-2:15 timeframe. The addition of an estimated 500-700 more students (this estimate is probably even low) would severely impact an already bad traffic condition near the school. The safety of the children and crossing guards is already of major concern. The additional classroom portables needed would eliminate the already reduced recess areas for our children. The school already lost at least 30% of the blacktop areas when they added portables necessitated by ground slippage and building damage. This situation has been on going for over two years and would definitely need to be resolved before even considering adding additional students to this school.

We ask that you include the Portola Hills Community in the planning stages for additional development and that extensive traffic studies be completed prior to the determination of increased units. We also ask that the density of the units be reduced.

Please keep us apprised of how we may be involved in this consideration,

**Shawnene and Steve Polenske
19275 Terrace View Circle
Trabuco Canyon, CA 92679
(949) 858-4503**

■ Response to Comments: SSPO

RTC SSPO-1 Please see Topical Response 7 which explains the change in allowable density that would result from the project and addresses concerns in the Portola Hills area, Topical Response 8 which addresses school issues and Topical Response 10 which addresses landslide issues.

Please see Topical Response 12 which explains the public participation process for the project. A hearing will be held prior to adoption of the Final PEIR and any action on the project. You will be provided with notice. In addition, the City has established a website with information regarding this project to assist in keeping the public informed: <http://www.city-lakeforest.com/opportunitiesstudy/about.php>

Extensive traffic studies were conducted for the project at the program level, as explained in Topical Response 9. Additional project-specific studies will also be conducted when specific development proposals are put forward.

Your comment will be included in the Final PEIR and provided to the decision-makers for review and consideration during their deliberations of whether or not to approve the Proposed Project or one of the alternatives.

STDU

Page 1 of 1

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Ackerman, Gayle

From: Joanne Arcleri Dubiansky [joannead@cox.net]
Sent: Saturday, March 18, 2006 10:36 AM
To: Opportunities_Info
Subject: Portola Center Update

Hello,

I am a resident of Portoalla Hills and I am concerned that the Draft EIR for "Portola Center" failed to include a study of impact of traffic increases at Saddleback Ranch and Glenn Ranch Road. An analysis of traffic at the Glenn Ranch, El Toro intersection is also missing.] 1

I am requesting that you consider a **reduced-density alternative** for Portola Center which **preserves the natural topography** of the site and significantly reduces the density of the homes.] 2

Stephen Dubiansky
28632 Chimney Rock Circle
Portola Hills, Ca. 92679

■ Response to Comments: STDU

RTC STDU-1 Please see Topical Response 9 which addresses these intersections.

RTC STDU-2 Please see Topical Response 11 which addresses alternatives. Your comment will be included in the Final PEIR and provided to the decision-makers for review and consideration during their deliberations of whether or not to approve the Proposed Project or one of the alternatives.

STMO

Page 1 of 1

54

Ackerman, Gayle

From: Moss, Stuart (APLY-CA) [Stuart.Moss@accraply.com]
Sent: Sunday, March 19, 2006 2:31 PM
To: Opportunities_Info
Subject: Portola Center Development Plan

Dear Ms. Ackerman:

I cannot imagine any current residents of Portola Hills in favor of a plan that increases ADT by an average of 100% between Alton Road and Saddleback Ranch Road (on Portola Pkwy and Glenn Ranch Road).

Most importantly, the EIR is seriously lacking in detail regarding the Portola Center Development Plan. There is no mention in the plan about its impact on Saddleback Ranch Road—traffic, noise, etc.

For example, the new structures (residential or commercial) must not be accessible from Saddleback Ranch Road. If accessible from Saddleback, delays turning from Glenn Ranch Road to Saddleback Ranch Road, and delays on Saddleback Ranch Road itself (which is only two lanes), will be horrendous. Given Saddleback Ranch Road's curves, grades, blindspots, and traffic to/from Portola Hills Elementary, allowing access to these new structures from Saddleback Ranch Road will also produce a very dangerous traffic/accident situation.

The new structures must therefore only be accessible via new intersections on Glenn Ranch Road that do not have traffic signals but do have very long left turn only lanes, so that the current two lanes of traffic (in each direction) remain free of turning vehicles at all times.

I am also opposed to what looks like an intrusion into Whiting Ranch Park, and the development of such a steep grade of land on the northwestern side of this planned development. This is both environmentally unfriendly and unsafe.

Please acknowledge receipt of this input, and let me know if there will be any public hearings or other opportunities to provide further input.

Sincerely,
Stuart Moss
714-412-0880

■ Response to Comments: STMO

- RTC STMO-1 Please see Topical Response 7 which explains the change in allowable density that would result from the project and addresses concerns in the Portola Hills area. See also Topical Response 9 which addresses traffic issues. As explained in Topical Response 2, this is a program-level EIR. Many of the examples cited are concerns that would be addressed during project-level environmental review, should the General Plan Amendment and Zone Change be approved.
- RTC STMO-2 Your comment will be included in the Final PEIR and provided to the decision-makers for review and consideration during their deliberations of whether or not to approve the Proposed Project or one of the alternatives.
- RTC STMO-3 Please see Topical Response 12 which explains the public participation process for the project. A hearing will be held prior to adoption of the Final PEIR and any action on the project. You will be provided with notice. In addition, the City has established a website with information regarding this project to assist in keeping the public informed: <http://www.city-lakeforest.com/opportunitiesstudy/about.php>

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STNA

Ackerman, Gayle

From: Steve Nakase [smnakase@nakasebros.com]
Sent: Tuesday, March 14, 2006 5:18 PM
To: Opportunities_Info
Subject: Draft EIR

To Whom it may concern,

We would like to make it explicitly clear that we are opposed to the proposed DEIR. The taking of forty-five acres of our property on parcel # 7 would have a severe negative impact on the future viability of our business and its ability to continue as a successful going concern. The impact of this action on our lives and the lives and livelihoods of hundreds of our employees is immense and very troubling.

]

Thank you for your consideration of this matter.

Steven M. Nakase
Nakase Brothers Wholesale Nursery

■ **Response to Comments:**

STNA

RTC STNA-1 Your comment will be included in the Final PEIR and provided to the decision-makers for review and consideration during their deliberations of whether or not to approve the Proposed Project.

16.

STNE

Ackerman, Gayle

From: A91996@aol.com
Sent: Friday, March 03, 2006 5:07 PM
To: Opportunities_Info
Subject: Portola hills development

Your proposal for Portola Hills is absurd. To add 1100+ housing units and no additional school facilities is unacceptable. The school facilities are already inadequate for the student population. The current situation has almost all classes except kindergarten in portable classrooms.

1

The SVUSD I am sure would be happy to collect MELLO- ROOS from every house put up without providing any new facilities. That is just one more way for the residents of Portola Hills and Foothill Ranch to pay a lot more in school taxes than the rest of the districts service area.

It seems the primary interest for the city is not the benefit of the citizens, but the benefit of the city staff. I have noticed that the primary selling point is a new city hall and sports park complex. All of these buildings and facilities are sure to be named after the current mayor and city council.

2

I am in strong disagreement with the proposed plans. If there were to be a plan that reduced the number of units that were put in, thus reducing the headcount going to the school facilities I could be supportive but under the current layout I cannot support your proposal.

Steve Negri
Portola Hills Resident

■ Response to Comments: STNE

- RTC STNE-1 Your comment will be included in the Final PEIR and provided to the decision-makers for review and consideration during their deliberations of whether or not to approve the Proposed Project. Please see Topical Response 7 which explains the change in allowable density that would result from the project and addresses concerns in the Portola Hills area. Please see Topical Response 8 which addresses schools. Please see Topical Response 12 which explains the public participation process for the project. A hearing will be held prior to adoption of the Final PEIR and any action on the project.
- RTC STNE-2 Your comment will be included in the Final PEIR and provided to the decision-makers for review and consideration during their deliberations of whether or not to approve the Proposed Project.

STPR

52

Ackerman, Gayle

From: Stephanie Preston [imnk078@cox.net]
Sent: Sunday, March 19, 2006 8:59 AM
To: Opportunities_Info
Subject: Portola Hills

Gayle,

After receiving the flyer regarding the new homes planned for Portola Hills I attempted to locate the aerial map described in the flyer. I cannot seem to locate it. Can you please direct me to the correct location on the website?

I will voice my concerns based on what I've read in the flyer:

Our school is in desperate need of building corrections and the majority of the students are already learning out of temporary buildings. The classes are already full as well and without the building corrections there is no place to house more classrooms besides adding more portables which in turn takes precious recreation space away from the students. I am VERY against that idea!

Second, my next major concern is the "large commercial center" mentioned in the flyer. Why is that needed? There is a commercial center already located on Los Alisos that gets much less traffic than it was designed to handle. There are also shopping centers located in Foothill Ranch and Mission Viejo that are in very close proximity to the proposed building areas. Is it simply that Lake Forest is looking for additional tax income at the expense of the community of Portola Hills? Any commercial center will bring a rise in traffic, noise pollution, and most importantly, crime. This area has been a comfortable safe haven for my family since we moved to the area four years ago. One reason we chose this home was the fact that Whiting Ranch prohibited more development close by. By adding these homes you will compromise the serenity of this neighborhood as well as adversely affect our property values.

I would like to know what options are being proposed at this time or if the development is already beyond the point of change.

Sincerely,
Stephanie Preston
19682 Torres Way

■ Response to Comments: STPR

- RTC STPR-1 The website containing information about the project is: <http://www.city-lakeforest.com/opportunitiesstudy/about.php> Please see Topical Response 8 which addresses school issues.
- RTC STPR-2 Please see Topical Response 7 which explains the change in allowable density that would result from the project as well as the change in allowable uses and addresses concerns in the Portola Hills area.
- RTC STPR-3 Your comment will be included in the Final PEIR and provided to the decision-makers for review and consideration during their deliberations of whether or not to approve the Proposed Project or one of the alternatives. The alternatives under consideration are described in Chapter 4 of the Draft PEIR available at: http://www.city-lakeforest.com/opportunitiesstudy/draft_eir.php See also Topical Response 11. A No Project Alternative is included among the alternatives under consideration.

8.

SUFI

Ackerman, Gayle

From: Susan FitzGerald [susan@printek.biz]

Sent: Friday, March 03, 2006 9:00 AM

To: Opportunities_Info

Subject: Proposed additional 1,132 units (466 apartments, 525 homes, 141 attached homes) for Portola Hills

To whom it may concern:

I was SHOCKED yesterday to learn about the proposed OVER development of the Portola Hills area.

I am strongly urging the committee to include our community in the planning stages and seriously consider reducing the density of the units.

It is unfair to current resident of Portola Hills to bear downside of this proposal.

My main concerns are primarily:

The elementary school will be over crowded -- it is already at capacity, the traffic nightmares every day getting kids in and out of the already poorly designed parking/driveway -- drop off area. I won't even get into the fact about how the school is slipping down the poorly graded hill and some of the buildings there have already been red-tagged.

Traffic Congestion -- Let's be realistic here, there is only 2 ways in and out of Portola, adding an additional 2,264+ potential new cars to the mix (2 cars per household) will be unbearable.

Additional pollution and noise and a "City" look to our gentle, rural feel will, I believe, take away from the value of our property. Not to mention the mello-rocs tax that I am sure will somehow get extended or re-worded or "something" and all of us in Portola will end up paying.

I know the majority of Portola residents feel the same way I do. Please do not underestimate the amount of resistance this proposal will encounter.

Susan FitzGerald
28775 Vista Aliso Road
Portola Hills, CA 92679
949-589-4875

■ Response to Comments: SUFI

- RTC SUFI-1 Please see Topical Response 7 which explains how the proposed densities compare with the density of development which would be allowed under the existing General Plan. Please also see Topical Response 12 which explains the public participation process for this proposed project. Please see also Topical Response 11 which explains the which alternatives included in the Draft PEIR are reduced project alternatives.
- RTC SUFI-2 Please see Topical Response 8 which addresses school issues, Topical Response 10 which addresses landslide issues, and Topical Response 7 which addresses Portola Hills issues.
- Explanation of public services, traffic, and geologic impacts of the proposed project can be found in EIR sections 3.12 – Public Services, 3.6 – Geology, Soils, and Minerals Resources, and 3.14 – Transportation and Traffic. These sections address issues related to school capacity, traffic impacts around the school, and the geologic effects to the area, specifically around the school site.
- RTC SUFI-3 Further explanation of traffic impacts due to the proposed project can be found in EIR section 3.14 – Transportation and Traffic. This section addresses issues related to traffic in and around the study area. Please see also Topical Response 7 which address traffic in the Portola Hills area and Topical Response 9 which addresses traffic issues raised during public comment on the Draft PEIR. Your comment will be included in the Final PEIR and made available to the City’s decision-makers.
- RTC SUFI-4 The air and noise impacts of the proposed project are analyzed in Draft PEIR sections 3.3 – Air Quality and 3.10 – Noise. Please see Topical Response 7 which addresses Mello-Roos concerns. Your comment will be included in the Final PEIR and made available to the City’s decision-makers.

SUNA

Ackerman, Gayle

From: Susan Narta [Susan_Narta@infoworld.com]
Sent: Wednesday, March 22, 2006 9:26 AM
To: Opportunities_info
Subject: Portola Hills

Dear Ms. Ackerman,

I am writing in regard to the proposed 50% developmental increase to Portola Hills. I am a 15 year resident of Portola Hills. The community is, for the most part, quiet and charming. This has changed over the years with the building of large businesses down the road from us (Oakley, as an example) which have brought much more traffic, pollution and garbage into the community. Traffic- folks cutting through the neighborhood at high speeds to get to work in the area- has increased tremendously. Our neighbor's dog got out 2 weeks ago and was struck and killed on Saddleback Ranch Road from a speeding car. I must say if there are additional apartments, houses, businesses, etc built in the area, it will change everything we have come to know and love about our community. Saddleback & Glenn Ranch Roads, where the construction sites will be, are the main roads in and out of the community. I can imagine that there will be huge trucks, bulldozers, etc. as we're trying to get in and out of the community. What a dirty hassle! Please leave well-enough alone. Does the city have to build-out on every last inch of open land? How about a park for the kids, a dog park- these type things add to the beauty of every day life. I know they're not revenue-generating for Lake Forest, but we weren't even a part of Lake Forest not too long ago. If this is how Lake Forest thanks Portola Hills for becoming a part of the bigger picture, I wish we never would have joined your city. I'm assuming you don't live up here, otherwise you would not want to see this type of build-out. Going from 2,000 homes to over 3,000 ? This is nuts. Where are the kids going to go to school? Where will the roads be built to allow all the extra traffic to fly down the streets? Is anyone considering that if a major fire comes through here (and at some point one will), the roads would be inadequate to allow all of the residents to evacuate. Wildlife impact? Water? Electricity?

1
2
3
4

Please don't expand my community.

Susan Narta
28631 Cedar Ridge Road
949.858.4303

■ Response to Comments: SUNA

- RTC SUNA-1 Your comment will be included in the Final PEIR and provided to the decision-makers for review and consideration during their deliberations of whether or not to approve the Proposed Project. As discussed in Topical Response 7, the existing General Plan land use designations and zoning for Portola Hills would allow for future development of the land. The proposed project would change the nature and magnitude of allowable development. Please see Topical Response 7 which explains the change in allowable density that would result from the project and addresses concerns in the Portola Hills area and Topical Response 9 which addresses traffic.
- RTC SUNA-2 Please see Table 2-3 in the Draft PEIR which shows that the proposed project would result in an increase in the amount of land zoned for open space in the Portola Hills area from 44 acres to 82 acres.
- RTC SUNA-3 Please see Topical Response 7 which explains the amount of development that would be allowed in Portola Hills under the existing General Plan land use designations and zoning for the area, which were approved by the County under the original Master Plan for the area and incorporated into the City's General Plan with annexation of the area to the City.
- RTC SUNA-4 Please see Topical Response 7 which addresses concerns in the Portola Hills area including schools, traffic and emergency access. Impacts to wildlife are addressed in Section 3.4 of the Draft PEIR. Impacts to public services and utilities are addressed in sections 3.12 and 3.15.

14.

TINE

Page 1 of 1

Ackerman, Gayle

From: Tim Neuville, CFP [tneuville@psfin.com]
Sent: Friday, March 03, 2006 2:05 PM
To: Opportunities_Info
Subject: Portioa Hills

Please include the community's voice in devolpment of Glenn Ranch road/EI toro.] 1

Thank You

Timothy J. Neuville, CFP®, ChFC, CLU
Pacific Southwest Financial
4590 MacArthur Blvd., Suite 345
Newport Beach, CA 92660
Tel (949) 296-1161 ext. 103
Fax (949) 296-1170
Email: tneuville@psfin.com
Website: www.timneuville.com
Assistant: Barbara Phipps ext. 112

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■ Response to Comments: TINE1

RTC TINE1-1 Please see Topical Response 7 which explains the change in allowable density that would result from the project and addresses concerns in the Portola Hills area. Please see Topical Response 12 which explains the public participation process for the project. A hearing will be held prior to adoption of the Final PEIR and any action on the project.

TINE2

47

Ackerman, Gayle

From: Tim Neuville, CFP (r) [tneuville@psfin.com]
Sent: Thursday, March 16, 2006 4:51 PM
To: Opportunities_Info
Subject: Portola Hills development

I am very concerned about the development of Glenn Ranch and Saddleback corridor.

- 1. **The DEIR failed to include a study of impact of traffic increases at Saddleback Ranch and Glenn Ranch Road.** 1
 - 2. **An analysis of traffic at the Glenn Ranch, El Toro intersection is also missing.** 2
 - 3. **the effect on wildlife** 3
 - 4. **erosion problems already exist at Portola Hills Elementary and Jasper Hill** 4
 - 5. **The pollution level was not analyzed.** 5
 - 6. **Where are all the children going to school- Portola Hills is full and there is already a traffic jam everyday there.** 5
- Part of the school is also falling down the hill

Please reconsider the use of this property

Resident : 19761 Highridge Way 949-459-7335

Timothy J. Neuville, CFP®, ChFC, CLU
Pacific Southwest Financial
4590 MacArthur Blvd., Suite 345
Newport Beach, CA 92660
Tel (949) 296-1161 ext. 103
Fax (949) 296-1170
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Website: www.timneuville.com
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■ Response to Comments: TINE2

- RTC TINE2-1 Please also see Topical Response 7 which explains the change in allowable density that would result from the project and addresses concerns in the Portola Hills area and Topical Response 9 which addresses these intersections.
- RTC TINE2-2 The impacts and effects of the proposed project on biological resources were evaluated and discussed in Section 3.4 (Biological Resources).
- RTC TINE2-3 Please see Topical Responses 7 which addresses Portola Hills issues and 10 which addresses landslide issues.
- RTC TINE2-4 The comment states that pollution level was not analyzed. The comment does not state what pollution level(s) were not analyzed, nor does the comment provide new information regarding pollution levels and therefore no response is possible. However, several sections of the Draft PEIR evaluated and discussed “pollution,” including Section 3.1 (Aesthetics) for light pollution issues; Section 3.3 (Air Quality) for air pollution/quality issues; Section 3.8 (Hydrology/Water Quality) for water pollution/quality issues; and Section 3.10 (Noise) for noise pollution issues. The Draft EIR analyzed these issue areas in detail in order to determine the potential impacts of the Proposed Project, and presented mitigation measures to reduce potential impacts, where feasible.
- RTC TINE2-5 Please see Topical Response 8 which addresses school issues.

TIPA

Ackerman, Gayle

From: Paone, Tim [TPaone@manatt.com]
Sent: Monday, March 27, 2006 4:40 PM
To: Ackerman, Gayle
Cc: gene.spindler@sheaproperties.com; kim@otayranch.com; skh@paone.com; gtp@ohill.com; les.thomas@sheahomes.com; mwatkins@prosportsplanners.com; charles.ricotta@sheahomes.com; john.danvers@sheahomes.com
Subject: RE: Opportunities Study DEIR

The following comments are submitted by Shea/Baker Ranch Associates, LLC, with respect to the City of Lake Forest Opportunities Study Program EIR:

- 1) Table 2-5 does not accurately reflect the proposed density for Site 1 (and, therefore, the "Total" density). Proposed density for Site 1 is 2-25 dwelling units per acre, with, as footnoted, up to 43 dwelling units per acre in the MU portion of Site 1.] 1
- 2) Figure 2-4 ("Proposed Project Land Use Map") does not accurately reflect the negotiations between the City and the property owners with respect to public facilities. As specific examples:
 - a) Figure 2-4 shows a narrow band identified as "Community Park/Open Space" running west-east between Sites 1 and 5. This area has not been determined to be an open space or park site on any proposed development plans. In fact, for Site 1, this narrow band is planned for residential development, with substantial park and open space areas located elsewhere on Site 1. The final determination of open space and park sites and the between the City and the property owners and future planning efforts.] 2
 - b) Figure 2-4 shows a number of areas identified as "Conceptual Park Locations." These locations, though identified as "conceptual," should be updated to reflect the current planning efforts for Site 1. Additionally, these should be labeled as "Conceptual Neighborhood Park Locations" to be consistent with the text and the "NP" label, as well as to avoid confusion related to the location of the proposed sports park. The text on Page 2-18 after "Parks" should, after indicating that these are "conceptual locations," indicate that the final locations will be determined during later stages of the planning process.] 3
 - c) Figure 2-4 shows areas designated as "Potential Community Park Sites." These areas should be revised to reflect the options which have been identified in the most current discussions between the OSA landowners and the City. In addition to the "split park" alternative, the potential for the location of the entire sports park and civic center on the Baker Ranch site should be noted.] 4
 - d) Figure 2-4 shows a "Possible School Site" on Site 1. The text on Page 2-18 is too specific with regard to this location and should be revised to reflect the conceptual nature of this possible school site. This is one of two possible locations identified to date, both of which should be labeled "conceptual." The second possible location is located at the southeast corner of the loop road and Alton Parkway.] 5
 - e) Figure 2-4 and the text should clarify that all locations designated for public uses (schools, parks, open space, community facilities, and so forth) are conceptual only and should also reflect the base land use designation for each of those areas. As a suggestion, the letter designation] 6

3/27/2006

City of Lake Forest Opportunities Study Program EIR

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(e.g., "S" for school site) could appear on the base map without a separate color identification.] 6

3) Because the number of acres required for parkland is determined by the number of proposed new residents, the specific references to park acreages should be clarified as being dependent upon the ultimate number of homes developed. The discussion of parkland dedication requirements on Page 13-9 should reflect that, after the locations of a possible school and the sports park, community center, and civic center are established and an affordable housing program is finalized, the number of homes which can be built within the OSA project area may be reduced. The text should reflect at this point (and anywhere else within the EIR which refers to the "45-acre" site) that, under such circumstances, the size of the referenced "45-acre community facilities" will be proportionately reduced.] 7

4) The EIR should address the possibility that, under a scenario which would place the community facilities on the Baker Ranch Properties site, up to an additional 167 residential units could be placed on the IRWD site without increasing the overall total of 5,415 units for the OSA.] 8

None of these suggested changes should alter the impacts of the project analyzed by the EIR or change any of the suggested mitigation measures. Thank you for consideration of these comments.] 9

Tim Paone

manatt | phelps | phillips

696 Town Center Drive, Fourteenth Floor

Costa Mesa, CA 92626

714-371-2500

Assistant: Sudha Subramanian (714-371-2501)

Fax: 714-371-2550

Email: tpaone@manatt.com

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■ Response to Comments: TIPA

- RTC TIPA-1 Please see Topical Response 7 which includes a table with the proposed densities for Site 1.
- RTC TIPA-2 These comments are Development Agreement issues, rather than environmental issues and do not change the analysis or conclusions in the Draft PEIR. Therefore, the requested changes will not be made.
- RTC TIPA-3 These comments are Development Agreement issues, rather than environmental issues and do not change the analysis or conclusions in the Draft PEIR. Therefore, the requested changes will not be made.
- RTC TIPA-4 These comments are Development Agreement issues, rather than environmental issues and do not change the analysis or conclusions in the Draft PEIR. Therefore, the requested changes will not be made.
- RTC TIPA-5 These comments are Development Agreement issues, rather than environmental issues and do not change the analysis or conclusions in the Draft PEIR. Therefore, the requested changes will not be made.
- RTC TIPA-8 These comments are Development Agreement issues, rather than environmental issues and do not change the analysis or conclusions in the Draft PEIR. Therefore, the requested changes will not be made.
- RTC TIPA-9 These comments are Development Agreement issues, rather than environmental issues and do not change the analysis or conclusions in the Draft PEIR. Therefore, the requested changes will not be made.

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TORA

Ackerman, Gayle

From: Tom R [tomb993@hotmail.com]
Sent: Tuesday, March 21, 2006 4:48 PM
To: Opportunities_Info
Subject: Portola Hills Development

Hi Gayle,

My name is Tom Randel, and my wife and I live in Portola Hills. I recently heard of the plan to add 1,132 housing units along Saddleback and Glenn Ranch Roads. As residents of Portola Hills, my wife and I are opposed to this development.

One of our major concerns is an increase in traffic. During rush hour, the roads are already at capacity. Traffic gets blocked behind signals and sometimes it can take more than one cycle of the signal to get through.] 1

Another concern is the deletion of the open space surrounding Whiting Ranch Wilderness Park. As more and more developments encroach on Whiting Ranch, it will become less and less wild. One of the reasons we moved to Portola Hills is to be close to the wilderness.] 2

On a related note, increased glare from all the new lights will degrade the clear night sky we have. There are not many places in Orange County where you can see the stars at night. Portola Hills is one of those places. It is something that makes this area special.] 3

Sincerely,

Tom Randel

■ Response to Comments: TORA

- RTC TORA-1 Section 3.14, Traffic and Transportation, addressed potential impacts of the proposed project on traffic conditions during the PM-peak hour. As described on page 3.14-49 of the Draft EIR, the impact of the proposed project was determined to be less than significant with implementation of identified, programmed roadway and intersection improvements. Please also see Topical Response 7 which explains the change in allowable density that would result from the project and addresses concerns in the Portola Hills area.
- RTC TORA-2 Your comment will be included in the Final PEIR and provided to the decision-makers for review and consideration during their deliberations of whether or not to approve the Proposed Project. Page 3.4-5 of the Draft EIR describes the land adjacent to Whiting Wilderness Park, particularly the northeastern corner of Site 2. Impacts 3.4-1 and 3.4-2 conclude on pages 3.4-36 and 3.4-39, respectively, that the removal of this habitat as a result of development under the Project would constitute a potentially significant impact; however, the analyses conclude that implementation of Mitigation Measures MM 3.4-1 to MM 3.4-4 would reduce this impact to a less-than-significant level. Further, Impact 3.4-3, on page 3.4-43, concluded that development on Site 2 would not substantially interfere with wildlife movement.
- RTC TORA-3 As noted by the comment, the Draft EIR examined impacts related to light and glare in Impact 3.1-3. This impact was determined to be significant, and remained significant and unavoidable after implementation of all feasible mitigation.

TRAD

Ackerman, Gayle

From: Elizart7@aol.com
Sent: Monday, March 27, 2006 3:49 PM
To: Ackerman, Gayle
Subject: letter regarding opportunities study from PH resident

Dear Ms. Ackerman:
Please see attached letter from a Portola Hills resident.

TRAD

Tracy Adamski
 19475 Dorado Drive
 Portola Hills, CA 92679
 (949) 959-6275

Mayor Richard T. Dixon
 Lake Forest City Hall
 25550 Commercentre Dr., Suite 100
 Lake Forest, CA 92630

Dear Mayor Dixon,

The reason for this letter is to express my deepest concern regarding the development that is under consideration in the Portola Hills area as proposed by the Lake Forest Opportunities Study. I am a current resident and homeowner who has lived in Portola Hills for over 10 years. I serve in NO official capacity on my homeowner's association board or at the elementary school. My concerns expressed below are that of a parent, homeowner, school volunteer and community volunteer.

DENSITY

It is my understanding that proposed development plans call for adding 1,132 homes. Our current community has about 2,000 homes so this proposal increases our community by 50 percent. In 1997 the Baldwin Co. proposed a build-out that included 600 homes in the same area. At the time of the 1997 proposal there were many concerns regarding traffic and accommodating the additional students in current schools. The current proposal has twice the number of units as proposed 10 years ago.

- What has changed to allow twice the number of units?
- Is Lake Forest attempting to solve current city housing issues in the limited space of Portola Hills?

SCHOOL OVERCROWDING

I currently have students at Portola Hills Elementary and plan to send them to Serrano Intermediate. Sending the additional new students into the existing schools sounds unreasonable to me. Serrano Intermediate is already overcrowded and Portola Hills Elementary also has students in the surrounding areas such as Hidden Ridge, Painted Trails, and Santiago Canyon Estates. In addition, Portola Hills Elementary can not be considered a viable school site due to land movement issues going on over the last few years. Which has resulted in approximately 10 classrooms to close. The classrooms have been replaced by portable units and caused the playground area to be reduced significantly. Our school's future is in limbo, while our children are attending a school with less than ideal facilities that continue to deteriorate. Our school's Measure B money (school bond for facilities improvements) has been put on hold resulting in the lost value of current/future improvements while other S.V.U.S.D. schools enjoy capital improvements. It should be noted that the Baldwin Co., as the original Portola Hills developers, is responsible for the original grading and thus current land movement. As the statute of limitations have run out, the Baldwin Co. has not done anything to assist our school in resolving this matter.

- Where will the students of the new development attend elementary and secondary schools?
- If Portola Hills Elementary must be closed where will current and new students attend elementary school?
- Will the Baldwin Co. be required to set aside an elementary school site in the new development?
- Will the new homeowners be assessed a Mello Roos type tax to fund the increase in enrollment?
- Will the Baldwin Co. be required to "do the right thing" and fix the current Portola Hills Elementary School before being allowed to commence the proposed development?

MELLO ROOS TAXES

The current Portola Hills homeowners pay a significant amount of Mello Roos taxes. Our Mello Roos taxes pay back bonds which were used for the construction of the elementary school, foothill traffic circulation and water districts. I am concerned that with the new development our tax bond will be increased in length of time and/or dollars to fund required improvements.

- Will the current Portola Hills landowners have an increase in existing Mello Roos taxes?
- Will new residents of the proposed development have a Mello Roos bond on their property?

TRAFFIC

I am extremely concerned about the exceedingly growing traffic that will be generated by the new residents of the proposed development and the retail center. There will be significant increases at all points along Glenn Ranch Rd. including El Toro Rd., Saddleback Ranch Rd., and Portola Pkwy. If a retail center is included, this will also bring a different type of car trips per day into the area. In addition, the traffic along Portola Parkway between the 241 Toll Way interchange and Bake Parkway is currently unmanageable at peak commuting hours. Intersections are gridlocked and it is difficult to get in and out of my neighborhood entrance.

3

- Will the proposed development include significant changes to the existing traffic patterns at Glenn Ranch Rd. and Saddleback Ranch Rd.?

- Will the proposed development be delayed until the extension of Alton Parkway up to the 241 Toll Way is completed to relieve the current traffic on Portola Parkway?

THE BALDWIN COMPANY

It is my understanding, based on City of Lake Forest material and articles in the local newspaper, that the Baldwin Co. is the current landowner and developer of the proposed "Portola Center" area. Many current Portola Hills homeowners do not look kindly on any proposed development by the Baldwin Co. Based on our past experiences we do not trust their word or their ability to perform. There are several areas of land movement and slope failure in Portola Hills including, but not limited to, Portola Hills Elementary school, behind homes abutting Whiting Ranch, various streets, and the Portola Hills II recreation center has a swimming pool that is slipping down the slope it was built on.

4

My understanding is that the Baldwin Co. was the original developer of Portola Hills and responsible for the grading of the area. There is also the matter of Concourse Park, which is the Community Park long promised in our neighborhood but never built by the Baldwin Co. despite the fact there was a large amount of money set-aside for this purpose. After the annexation of our community, the City of Lake Forest finally built Concourse Park. It is these types of issues and experiences that taint our belief and trust in the Baldwin Co. to properly develop the remaining portion of Portola Hills.

- Will the City of Lake Forest hold the Baldwin Co. accountable for the current and continuing land movement in Portola Hills?

I would appreciate a reply regarding how the City of Lake Forest will be responding to my questions and concerns outlined above.

Regards,
Tracy Adamski

CC: Mark Tetterer, Mayor Pro Tem
Peter Herzog, Council Member
Kathryn McCullough, Council Member
Marcia Rudolph, Council Member

■ Response to Comments: TRAD

- RTC TRAD-1 The residential planned densities were discussed and evaluated in Chapter 3, Section 3.9 (Land Use). The proposed project was found to be consistent with applicable adopted plans, regulations, or policies, including the City's General Plan Housing and Land Use Element. Your comment will be included in the Final PEIR and provided to the decision-makers for review and consideration during their deliberations of whether or not to approve the Proposed Project. Please also see Topical Response 7 which explains the change in allowable density that would result from the project and addresses concerns in the Portola Hills area.
- RTC TRAD-2 Please see Topical Response 7 which addresses concerns in the Portola Hills area including schools, land movement, and Mello Roos. Please also see Topical Response 8 regarding schools and Topical Response 10 regarding landslides.
- RTC TRAD-3 Please see Topical Response 7 which addresses concerns in the Portola Hills area including Mello Roos. Please see Topical Response 7 which addresses concerns in the Portola Hills area including traffic and Topical Response 9 regarding traffic.
- RTC TRAD-4 The PEIR addresses the potential impacts of the proposed project, rather than issues regarding existing conditions. Please see Topical Response 1. Should the project be approved both the mitigation measures included in the PEIR and any site-specific measures developed as part of site specific review of project-level development plans will be legally enforceable.

VIPI

Victor Pinsker & Sharon Pinsker
28722 Malabar Rd..
Portola Hills, CA 92679
949-589-0066

March 27, 2006

RECEIVED

MAR 27 2006

Mr. Richard T. Dixon, Mayor
City of Lake Forest
25550 Commercentre Dr., Suite 100
Lake Forest, CA 92630

CITY OF LAKE FOREST
DEVELOPMENT SERVICES DEPT

Dear Mr. Dixon:

Sharon and I have been raising our family in Portola Hills for over 10 year. We have had the opportunity to meet you and the city council member when we worked with our neighbors and, then County Supervisor, Mr. Spitzer to curtail the Baldwin irresponsible designs on our community in the past. We have interacted with you again when we discussed and considered "City-hood" for our community. Many of us remember how the City of Lake Forest leadership reassured us how the proposed annexation will only strengthen and protect us from irresponsible self serving changes by developers and land owners.

We are writing to you today because we are very concern regarding the Proposed Project described in the Opportunity Study. My friend and neighbor – Ms. Elizabeth Wallace, worked with a team of our peers and has identified several issues which we would like to bring to your attention. We would like to meet with you in person and further ask you to visit Portola Hills to discuss these issues directly with our neighbors.

Our concerns are mostly in the areas of:

- Geologic Hazard from Landslides:** as detailed in Ms. Wallace's response] 1
- Schools Capacity:** Current structures are dilapidated and the school is at capacity] 2
- Development Agreements:** are any deals "cut" without our proper public review process?] 3
- Land Use/Planning:** Portola Hills is a planned community. The proposed changes violate all the original planning concepts.] 4
- Traffic:** We are concern that the planners had never actually visited our community. The Saddleback Ranch Road and Glenn Ranch Road intersection – the de-facto key gateway into the community has not been even included in the DEIR analysis! Also major other intersections of Glenn Ranch Road and El Toro Road, Marguerite Parkway and El Toro Road, and Marguerite Parkway and Santa Margarita Parkway, and the Ridge/El Toro intersections. 5,000+ commuters will have to merge to a single,] 5

already very busy, road in order to get in/out of their community. Where is the outlet to Glenn Ranch Rd discussed in the past EIR?

5

Notice to Nearby Property Owners. We are. No project details were mailed to us or to our neighbors.

6

In the past, our community exhibited how we can rally for support or block change which affects our safety, quality of life and property values. We would like the opportunity to be involved and informed, to understand how the City leadership has addressed responsibly any required mitigation of the issues discussed in Ms. Wallace response.

I plan to call you office later this week to schedule a meeting with our community representatives to you can learn first hand about our key concerns and explore other realistic alternatives studied that would potentially reduce significant environmental impacts of the Proposed Project?

Sincerely,



Victor Pinsker

Sharon Pinsker

cc: Gayle Ackerman, Director of Development Services, Lake Forest

■ Response to Comments: VIPI

RTC VIPI-1 Please see Topical Responses 7 and 10 regarding landslides. See also RTC ELWA2.

RTC VIPI-2 Please see Topical Responses 7 and 8 regarding schools.

RTC VIPI-3 The scope of the individual development agreements were discussed in Chapter 2 (Project Description), Section 2.5.3 (Development Agreements) of the Draft EIR. As stated on page 2-16, “The Development Agreements have not been executed as of the date that the Draft PEIR was made available for public review. Thus, none of the Development Agreements is finalized and none has been appended to or incorporated into this EIR other than by reference. Although the Development Agreements are not finalized, Chapter 3 of this EIR analyzes the potential environmental impacts that could be caused by the Proposed Project, including those secondary environmental impacts potentially attributable to public facilities funded or constructed through one or more of the Development Agreements.”

Draft Development Agreements are being negotiated concurrent with the environmental process. Some negotiation of the Development Agreements was required prior to issuance of the Draft PEIR, as part of the process of defining the project to be analyzed in the Draft PEIR. Therefore elements of the Development Agreements are considered in the Draft PEIR. The Development Agreements will not be approved or executed until after the Final PEIR is certified by the City Council. Therefore, they will not be approved until after the Final PEIR is deemed complete for purposes of decision-making and the public has had the opportunity to comment on the Draft PEIR and the project.

The commentator’s concern about the adequacy of the Draft EIR and the impacts related to the individual development agreements that the city would enter into with approval of the proposed project, speaks directly to the issue of “tiering” between a Program EIR and a Project EIR. Tiering refers to the coverage of general matters and environmental effects in an EIR prepared for a policy, plan, program, or ordinance, followed by narrower or site-specific environmental documents that (1) incorporate, by reference, the discussion in the earlier EIR and (2) concentrate on the environmental effects that are capable of being mitigated or were not analyzed as significant effects on the environment in the earlier EIR. As explained on page 1-2 of the EIR, Section 15168(c) of the CEQA Guidelines requires subsequent activities, i.e., development projects proposed in the Project Area, to be examined in light of the EIR for the Lake Forest Opportunities Study Program to determine whether additional environmental documentation must be prepared. Please see Topical Response 2 regarding project verse program-level environmental review.

RTC VIPI-4 The impacts of introducing incompatible land uses or if implementation of the Proposed Project would be inconsistent with any applicable adopted plans, regulations, or policies was evaluated and discussed in Section 3.9 (Land Use). The proposed project was found to be consistent with all applicable adopted plans, regulations and policies, including the Planned Community Text for site 2. Specifically,

page 3.9-9 states, "Sites 1, 2, 4 and 6 would be located within existing Planned Communities. Amendments would be completed such that the Planned Communities are in conformance with the proposed General Plan. With these subsequent Planned Community Amendments, no inconsistencies would occur." No further discussion is required.

RTC VIPI-5 Please see Topical Responses 7 and 9 regarding traffic and Section 3.14 of the Draft PEIR.

RTC VIPI-6 Please see Topical Response 12 regarding noticing and the public participation process. You have been added to the mailing list.. Up-to-date information regarding the proposed project is also available on the City's website at: <http://www.city-lakeforest.com/opportunitiesstudy/about.php>.

The impacts identified by the Draft EIR are summarized in Table ES-2 (Summary of Environmental Effects and Mitigation Measures). The Notice of Completion, filed with the State Clearinghouse on January 30, 2006, included a project description and a summary of environmental issues analyzed.

Additionally, copies of the Draft EIR were made available to the public during the public review period at the following locations:

City of Lake Forest
Development Services Department
25550 Commercentre Drive
Lake Forest, CA 92630
(949) 461-3400

El Toro Library
24672 Raymond Way
Lake Forest 92630
(949) 855-8173

Aliso Viejo Library
1 Journey
Aliso Viejo, CA 92656
(949) 360-1730

Foothill Ranch Library
27002 Cabriole Way
Foothill Ranch, CA 92610
(939) 855-8072

Rancho Santa Margarita Library
30902 La Promesa
Rancho Santa Margarita, CA 92688
(949) 459-6094